
Chapter 285, ZONING

[HISTORY: Adopted by the City Council of the City of Troy 10-6-1988 (Appendix A of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Community development -- See Ch. 19.
Economic Development Zone -- See Ch. 35.
Environmental conservation -- See Ch. 39.
Historic District and Landmarks Review -- See Ch. 47.
Planning Commission -- See Ch. 71.
Building construction and codes -- See Ch. 141.
Housing and property maintenance -- See Ch. 176.
Abatement of nuisances -- See Ch. 205.
Vehicles and traffic -- See Ch. 270.

ARTICLE I, General Provisions

§ 285-1. Title.

This chapter shall be known and cited as the "Zoning Ordinance of the City of Troy, New York."EN(1)

§ 285-2. Application of regulations.

A. Application. Except as hereinafter provided:

- (1) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located;
- (2) No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located;

- (3) No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building; and
- (4) No lot, yard, setback, parking area or other space shall be so reduced in area, dimension or capacity as to make said area, dimension or capacity less than the minimum required under this chapter; said existing undersized area, dimension or capacity shall not be further reduced.

§ 285-3. Authority.

This chapter is adopted pursuant to and in discharge of the powers conferred upon cities by § 20 (Subdivisions 24 and 25) and by Article 5-a of the General City Law.

§ 285-4. Preamble.

The legislative intent of this chapter is to guide the future growth and development of the City of Troy in accordance with a Comprehensive Plan of Land Use and population distribution that represents and promotes beneficial and convenient relationships among residential, commercial, industrial, institutional and public areas within the City, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living, and future needs for various types of land development, and to achieve the purposes more particularly described as follows:

- A. To foster a healthful urban environment, including but not limited to adequate light, air and privacy;
- B. To ensure that land will be developed in a manner such that the City's population is concentrated in a scale appropriate for the promotion of the general public health, safety and welfare;
- C. To provide the beneficial and safe access and egress to and from properties and safe and efficient circulation of traffic throughout the City;
- D. To provide structures complying with generally accepted standards for safety from fires, flood and other natural disasters;
- E. To enhance and conserve the unique characteristics of the City's neighborhoods and thereby aid in their orderly development;
- F. To provide a guide for public policy and action that will facilitate efficient provision of

public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the City; and

- G. To minimize conflicts among uses of land and buildings and to encourage the gradual conformity of uses of land and buildings throughout the City to the Comprehensive Plan herein set forth.

§ 285-5. Comprehensive Plan of Land Use.

- A. The purpose herein is to set forth a plan which describes the distribution of land within the City to assure the most efficient and beneficial uses of all such land and to encourage the balanced development of appropriate land for industrial, commercial, institutional, residential and public uses.
- B. This plan is predicated upon goals and objectives, a map setting forth the distribution of uses within the City's municipal boundaries and the implementation of laws, ordinances and regulations supportive thereof.
- C. This plan is set forth in a manner which will engender the most salutary effect upon the future development of the City.

§ 285-6. Goals and objectives of the Comprehensive Plan.

- A. Community identity. The goals and objectives are to promote Troy's unique heritage and resources as an instrument of community pride and identity and as a method of economic development.
 - (1) To build upon Troy's unique relationship to the Hudson River Valley as it helps to define the community's sense of place;
 - (2) To foster Troy's participation in the continued growth and development of the Capital District Region;
 - (3) To further Troy's identity as a center of higher education, research and development of new technologies and as a source of human resources trained to meet the challenges of the 21st Century;
 - (4) To promote Troy as a community in which a wide variety of people seek to live, work and find recreation;
 - (5) To support and encourage a community-wide strategy for the protection of Troy's rich historical and architectural resources by adaptive reuse and complementary new

construction as part of Troy's commitment to the goals of Riverspark; and

(6) To capitalize on Troy's location in relation to the interstate highway system.

B. The economy. The goals and objectives are to encourage and support a stable, balanced growth economy by aggressively utilizing all available public and private resources to reestablish the Greater Troy Market Area.

(1) Central Business District. The Central Business District is the keystone to the City's entire economic health. It is crucial that downtown be perceived as a viable economic entity. To foster this perception, CBD development must be keyed to provide a wide-range of economic activity not only for the rest of the City, but also the Greater Troy Market Area. The goals and objectives are:

(a) To continue efforts to redevelop downtown as a competitive retail center;

(b) To aggressively pursue new downtown housing opportunities, therefore establishing a new residential neighborhood;

(c) To capitalize on downtown Troy's emerging identity as a center for recreation, dining and culture;

(d) To foster continued professional and commercial office development; and

(e) To provide easy and welcome access to downtown from the City's colleges.

(2) Industrial. Troy's heritage as an industrial center provides the community with a rich sense of identity. As we face the 21st Century, the nature of industrial development has changed from heavy industrial fabrication to assemblage, storage, distribution, light fabrication and research and development. As part of a balanced economy, the City will maximize the usage of appropriate lands for nonpernicious, technology-based industry. The goals and objectives are:

(a) To foster the integration of the technical resources available at local colleges and universities with new industrial development;

(b) To provide and develop economic incentives for the location of new industries to foster job creation;

(c) To promote and support the planned expansion of indigenous industrial entities;

(d) To focus new industrial development in those parts of the City which can most efficiently and effectively support it; and

- (e) To provide an environment and infrastructure conducive to industrial development.
- (3) Commercial. Given the wide availability of suburban shopping malls throughout the region, the City of Troy accepts the reality that competition for commercial (retail) dollars is difficult. It is, therefore, the City's intent to foster the development of a full range of retail outlets for our immediate Greater Troy Market Area and a range of specialty outlets attractive to the region at large. The goals and objectives are:
- (a) To provide incentives for the retention and further development of smaller commercial outlets serving the immediate neighborhoods in which they are located;
 - (b) To encourage medium-sized retail outlets along major arteries in and out of the City to accommodate City residents, shoppers from adjacent communities and to capitalize on through traffic from New England;
 - (c) To seek and encourage specialty retail and service-oriented outlets to locate in and around the CBD;
 - (d) To aggressively pursue and provide for new and unique leisure-time commercial outlets in appropriate locations throughout the City; and
 - (e) To foster increased student traffic in the CBD by encouraging student-related retail and service outlets.
- (4) Institutional. One of the major assets of the City of Troy is the wide range of high quality institutions of higher education, health care and community services. These institutions form Troy's new industrial base for the foreseeable future. It is, therefore, imperative that the City encourage the further development of these institutions in a fashion that is complementary to adjacent neighborhoods and flexible enough for the continued and orderly growth of the institutions. The goals and objectives are:
- (a) To define the logical extent of institutional land uses so as to differentiate between them and adjacent land uses;
 - (b) To provide for appropriate transitional areas between institutional and nonresidential land uses;
 - (c) To provide maximum flexibility for development within the boundaries of institutional lands;
 - (d) To promote and foster the availability of a wide range of health care and other human services to support the needs of the community; and
 - (e) To encourage support and spinoff business related to institutional land uses.

- C. Housing. The highest priority facing any well-established community is to foster the stabilization and improvement of existing neighborhoods and housing stock. As a second but almost equally high priority, the City of Troy must encourage the availability of a wide range of new housing opportunities for citizens of all income levels. The goals and objectives are:
- (1) To conserve existing, habitable dwellings through rehabilitation;
 - (2) To eliminate substandard housing principally through rehabilitation and allow for demolition only when no other alternatives are practically available;
 - (3) To provide for the enhancement of existing residential neighborhoods by encouraging land use policies and public investment which will protect the essential characteristics of those neighborhoods;
 - (4) To foster owner occupancy of housing units;
 - (5) To adopt regulations which provide sufficient off-street parking, open space, trash collection and removal, lighting and privacy to support both new and existing neighborhoods; and
 - (6) To adopt regulations which provide the City with sufficient flexibility to allow for new types of housing development in areas appropriate for said development.
- D. Transportation. In order for the community to prosper as an economic and social entity, the City must provide for the safe, efficient, integrated and convenient movement of people and goods into and through Troy with minimal negative impact on land use and the quality of urban living. The goals and objectives are:
- (1) To develop and implement a comprehensive, City-wide traffic flow pattern which provides for convenience of access and flow of all types of vehicles on those streets that by design and land use are best able to accommodate them;
 - (2) To implement a cooperative scheme between the City and CDTA to provide for timely, convenient and safe public transportation;
 - (3) To establish safe and adequate pedestrian and bicycle lanes on all Troy streets and connect them to other networks in the region;
 - (4) To develop a comprehensive signage system to identify Troy within the region and to identify the major points of destination within the City;
 - (5) To establish a comprehensive parking program to promote the efficient use of circulation patterns and make all points of destination within the City accessible in a safe and convenient fashion;

- (6) To control and direct commercial through traffic onto those roads and streets which are capable of carrying such traffic; and
 - (7) To encourage and foster the development of facilities on the river which will engender recreational and commercial boating access to the City of Troy.
- E. The environment. In order to foster the continued growth of the City, a physically attractive and psychologically supportive urban environment is a desirable goal. It is the intent of this plan and its philosophical cornerstone that a healthful environment and a growing economy should be supportive and complementary of each other. The goals and objectives are:
- (1) To officially designate open spaces, parks, wetlands, steep slopes and waterways for conservation purposes;
 - (2) To implement planned development of the Hudson River Corridor and its tributary corridors so that their values, functions and resources will not be impaired or otherwise abused;
 - (3) To adopt air, water, and chemical and noise standards which maximize public health and safety;
 - (4) To continue open space planning and conservation activities that provide a wide range of recreational opportunities for our citizens; and
 - (5) To develop and implement regulations which support the creation of a visually pleasing urban experience.

§ 285-7. Statement of cooperation with other governmental entities.

It is the policy of the City of Troy to cooperate to the fullest extent possible with all other governmental entities having land use, investment, service delivery and regulatory interests within and adjacent to the City's municipal boundaries.

§ 285-8. Map of land use distribution.

Consistent with § 285-5 of this chapter and Ch. 71, Planning Commission, of this Code, as amended, the City Planning Commission shall prepare and adopt a map which will set forth a plan for the allocation of land uses derived from the goals and objectives set forth in § 285-6 of this chapter. Such map shall be deemed as a general guide to development not as a regulatory document.

§ 285-9. Implementation of Plan.

The purposes of § 285-5 shall be supported by the adoption of such local laws, ordinances and regulations necessary to implement the Comprehensive Plan of Land Use.

§ 285-10. Interpretation.

- A. Minimum requirements. The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- B. Relationship with other laws. Where the conditions imposed by any provision of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by another provision of this chapter or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C. Effect on existing agreements. This chapter is not intended to abrogate any easement, covenant or other private agreement; provided that, where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern. However, when any portion or provision of this chapter conflicts with any portion or provision of Chapter 47, Historic Districts and Landmarks Review Commission, this chapter shall be subordinate without regard to which is more restrictive.

§ 285-11. Effective date.

- A. This chapter shall take effect on the day of October 7, 1988, at 12:01 a.m.
- B. Update. Within four years of the effective date of this chapter, the Planning Commission shall prepare or cause to be prepared a written report to the City Council that outlines problems with the existing ordinance and which recommends either modifications of the existing ordinance or development of a new ordinance.

ARTICLE II, Word Usage and Definitions

§ 285-12. Definitions of terms.

- A. All words used in the present tense include the future tense; all words in the singular number include the plural number and vice versa; where the words "lot," "plot," "parcel," "tract of land," and "premises" are used, the use of one shall include the others; the word "premises" shall include land and buildings thereon; the word "building" shall include "structure" and vice versa; "occupied or used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied or used," unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "City" means the City of Troy and includes the context of the geographic area; the term "City Council" means the City Council of the City; the term "City Clerk" means the City Clerk of the City; the term "Director" means the Director of Code Enforcement of said City or his/her designated agent; the term "Board of Appeals" means the Zoning Board of Appeals of the City; the term "Planning Commission" means the City Planning Commission of the said City; the term "Comprehensive Plan" means the Plan which may be adopted pursuant to Article 12-a of the General Municipal Law and further described in Article I of this chapter.

- B. For the purposes of this chapter, certain words and terms used herein are hereby defined as follows:

ACCESSORY USE -- A use incidental to the principal use of a building or lot. In buildings restricted to residential use, the office of a professional, customary family occupations or workshops not conducted for compensation shall be deemed accessory uses. Swimming pools, garages, carports and toolsheds are also deemed accessory uses to buildings restricted to residential use.

ACRE (NET ACRE) -- That portion of land area not used for public purposes (e.g. public open space, parks and roads).

ADULT ESTABLISHMENT[Added 11-5-1998 by Ord. No. 57]

- (1) A commercial establishment where a substantial portion of the establishment includes an adult bookstore, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof, as defined below:

- (a) ADULT BOOKSTORE -- A bookstore which has as a substantial portion of its stock-in-trade in any one or more of the following:

- [1] Books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of "specified sexual activities"

or "specified anatomical areas;" or^{EN(2)}

- [2] Photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction of "specified sexual activities" or "specified anatomical areas."
- (b) ADULT EATING OR DRINKING ESTABLISHMENT -- An eating or drinking establishment which regularly features any one or more of the following:
 - [1] Live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities;"
 - [2] Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - [3] Employees who, as part of their employment, regularly expose to patrons "specified anatomical areas," and which is not customarily open to the general public during such features because it excludes minors by reason of age.
- (c) ADULT THEATER -- A theater which regularly features one or more of the following:
 - [1] Films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - [2] Live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual activities," and which is not customarily open to the general public during such features because it excludes minors by reason of age. An adult theater shall include commercial establishments where such materials or performances are viewed from individual enclosures.
- (d) Another adult commercial establishment is a facility, other than an adult bookstore, adult eating or drinking establishment, adult theater, commercial studio, or business or trade school, which features employees who, as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such.
- (e) SPECIFIED SEXUAL ACTIVITIES -- Human genitals in a state of sexual stimulation or arousal; actual or simulated acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

- (f) SPECIFIED ANATOMICAL AREAS -- Less than completely and opaquely concealed human genitals, pubic region, human buttock, anus, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely concealed.
- (2) For the purpose of determining whether a "substantial portion" of an establishment includes an adult bookstore, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or combination thereof, the following factors shall be considered: the amount of floor area and cellar space accessible to customers and allocated to such uses and the amount of floor area and cellar space accessible to customers and allocated to such uses as compared to the total floor area and cellar space accessible to customers in the establishment.
- (3) For the purpose of determining whether a bookstore has a "substantial portion" of its stock in materials defined in Subsections (1)(a)[1] or (1)(a)[2] hereof, the following factors shall be considered: the amount of such stock accessible to customers as compared to the total stock accessible to customers in the establishment; and the amount of floor area and cellar area accessible to customers containing such stock; and the amount of floor area and cellar space accessible to customers containing such stock as compared to the total floor area and cellar space accessible to customers in the establishment.

ALLEY -- A narrow service way providing a secondary public means of access to abutting properties.

ALTERATIONS -- As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AREA, BUILDING -- The total area of a lot covered by all buildings thereon, both principal and accessory, measured by the exterior dimensions of such buildings, but not including uncovered porches, steps and terraces.

AREA, LAND -- The term "land area," when referring to the required area per dwelling unit, means "net land area," the area exclusive of streets and public lands.

AUTO SALES AND RENTAL LOT -- A premises, including open areas other than a street or right-of-way and including showrooms enclosed within a building, used for the display, rental or sale of automobiles, boats, mopeds, motorcycles, snowmobiles, trucks and recreational vehicles.

AUTO SERVICE STATION -- A private property and/or structure at which motor vehicle repairs and maintenance activities are performed on vehicles other than those belonging to

members of the operator's immediate family and which are primarily for personal transportation and where the services of a gasoline filling station may be provided. Motor vehicle repair shall not include body work, painting or motor vehicle sales.

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

BED-AND-BREAKFAST -- A home occupation, as defined below, which can accommodate no more than six guests at any given time for a period of no longer than seven days, having no meals served with the exception of breakfast.

BLOCK -- The length of a street between two intersections, excluding intersections with alleys.

BOARDINGHOUSE -- A dwelling occupied by one family with at least three and no more than 10 boarders, roomers or lodgers in the same household, who are lodged with or without meals, and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants and distinguished from a bed-and-breakfast.

BUILDING -- Any structure having a roof and used for the shelter, housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY -- A building subordinate to the main building on the lot and used for purposes customarily incidental to that of said main building.

BUILDING HEIGHT -- The vertical distance to the highest point of the roof, if it is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type, measured as follows:

- (1) If the building adjoins the front property line or is not more than 10 feet distance therefrom, measured at the center of the front wall of the building from the established grade of the curb or, if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.
- (2) If the building is more than 10 feet from the front property line, measured from the average level of the finished grade adjacent to the exterior walls of the building. Where the finished grade surface is made by filling, the level of such finished grade, for the purpose of this definition, shall be deemed to be no more than three feet above the established grade of the curb.
- (3) When a lot fronts on two or more streets of different levels, the lower street or the average elevation of the lot with regard to the abutting streets may be taken as the base

for measuring the height of the building.

BUILDING LENGTH -- The horizontal distance between the furthestmost walls of a building, measured along or parallel to the axis of the longest side or greatest length.

BUILDING, MAIN -- A building or buildings in which is conducted the main or principal use of the lot on which said building(s) is/are situated.

BUILDING, TEMPORARY -- A temporary building or a temporary structure is one erected, constructed or placed upon the premises to exist there for a brief or temporary duration of time not exceeding nine months. All other buildings or structures, except contractors' sheds or offices on construction sites, shall be deemed and considered as permanent for the purposes of this chapter.

BUILDING WIDTH -- The horizontal distance between the furthestmost walls of a building, measured at right angles to the axis of its longest side or greatest length.

CELLAR -- That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CERTIFICATE OF OCCUPANCY -- A written document issued by the Director of Code Enforcement granting occupancy of any property for any legal purpose. Granting of the CO shall be made based on compliance with all applicable codes and ordinances, unless variances have been granted therefrom by the appropriate authorized bodies.

CHILD-CARE FACILITY (DAY-CARE FACILITY) -- A structure or structures as defined by Article 6 of Title 5-a, § 410-e, of the New York State Social Services Law.

CHURCH -- Any structure used for worship or religious instruction, including social and administrative rooms accessory thereto.

CLUB, MEMBERSHIP -- A nonprofit organization, having a board of directors and adopted bylaws, which owns, leases or rents a building used for catering exclusively to members and their guests or land and buildings used for recreational, social or athletic purposes, which organization, land or buildings are not conducted or used primarily for monetary gain, and provided no merchandising or commercial activities are conducted except as required generally for the membership of such club.

COMMERCIAL RECREATION (AMUSEMENT) FACILITY -- Any area of land or water, including any building or group of buildings, open to use by or catering to the general public, where recreational, athletic or amusement facilities are provided, and operated primarily for profit, including controlled-access facilities accessory to commercial uses, but not including

any outdoor or drive-in theaters or facilities for automobile or animal racing.

COMMUNITY GARDEN -- A plot of land owned or leased by a nonprofit organization, utilized for the sole purpose of planting and harvesting plants and vegetables by members of the community who contract with said organization for this purpose.

COMMUNITY RESIDENTIAL FACILITY -- A structure or structures defined by Article 7 of Title 4, § 463, of the New York State Social Services Law, but not including community residential facilities for the disabled as defined in § 41.34 of the New York State Mental Hygiene Law.

COURT -- An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COURT DEPTH -- The horizontal dimension of a court at right angles to its width.

COURT, INNER -- A court, with or without an entrance, that is enclosed on all sides by exterior walls of a building.

COURT, OUTER -- A court enclosed on not more than three sides by exterior walls with one side or end open to a street, yard, driveway or alley.

COURT WIDTH -- The width of an outer court is the horizontal dimension which is substantially parallel to the principal open end of such court. The width of an inner court is its least horizontal dimension.

CULTURAL FACILITY, NONPROFIT -- An establishment owned or leased by a board of directors, having bylaws and operated in a nonprofit fashion for the purpose of exhibiting art and artifacts, conducting educational activities and performances.

DIRECTOR OF CODE ENFORCEMENT -- The administrative official of the City of Troy who is empowered by law to enforce compliance with this chapter (also known as the "Director").

DORMITORY -- A building utilized as a residence exclusively for students of a college, university or school and owned and operated by said college, university or school.

DWELLING or RESIDENCE -- A building containing one or more dwelling units but shall not include a hotel, motel or hospital.

DWELLING UNIT -- One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

ESSENTIAL SERVICES -- Services that are indispensable to the community as a whole and to individual dwellings and establishments. Such services are generally provided by the

municipality or a public utility; and included, among others, are police and fire protection, sewer and water service, electricity, gas (natural and propane) and refuse collection.

FAMILY -- One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family unit.^{EN(3)}

FLOOR AREA -- The sum of the gross horizontal area of the floors of a building and its accessory buildings on the same lot, excluding cellar areas not devoted to the principal use of the building but including the area of roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RATIO -- Numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of a lot.

FRATERNITY HOUSE or SORORITY HOUSE -- A building used and occupied by a fraternity or sorority composed of college or university students and containing and providing domestic dwelling and/or social facilities and services thereto.

FRONTAGE -- See "lot line, front."

FUNERAL HOME -- The business establishment of a funeral director or undertaker which includes facilities for the conduct of funeral services and/or embalming.

GARAGE, COMMERCIAL -- A building or premises used for the purpose of storage, repair, sale and/or servicing of motor vehicles, including auto body work, painting, major repairs or mechanical car wash.

GARAGE, PRIVATE -- An accessory building or part of a main building intended primarily for the permitted storage of motor vehicles belonging to the owner or occupant of the building.

GARAGE, PUBLIC -- A building or part thereof used for the business of storage, care and repair or rental of motor vehicles, with or without the sale of motor fuels or motor vehicle parts or accessories.

GASOLINE FILLING STATION -- A property and/or structure which is used primarily for the retail sale of gasoline or other fuel for the propulsion of motor vehicles. Services may include the incidental sales of motor oil or other fluids for vehicles.

GRADE, ESTABLISHED STREET -- The permanent established elevation of the center line of a street in front of the midpoint of the lot.

GRADE, FINISHED -- The finished grade at any point along the wall of a building shall be the elevation of the completed surfaces of the lawns, walks and roads adjoining the wall at that point.

HARDSHIP, UNNECESSARY (LEGAL) -- The result of a requirement of this chapter that deprives a property owner of any reasonable economic use of his/her land, building or structure equivalent to the use made of land, buildings or structures on other properties in the same zone district.

HEALTH-RELATED FACILITY (HRF) -- A structure or combination of structures whose purpose is to provide medical diagnosis and/or treatment either in a residential or nonresidential setting.

HEALTH-RELATED FACILITY, INTENSIVE -- An HRF in excess of 20,000 square feet or in combination of at least 20,000 square feet, including but not limited to:

- (1) A hospital as defined in Article 28, § 2801 of the New York State Public Health Law;
- (2) A nursing home as defined in Article 28, § 2801 of the New York State Public Health Law;
- (3) A clinical laboratory as defined in Article 5, § 571 of the New York State Public Health Law;
- (4) A blood bank as defined in § 571 of the New York State Public Health Law;
- (5) Outpatient diagnostic and/or treatment facilities;
- (6) An organization established to provide a comprehensive, cohesive living arrangement for the elderly, philosophically oriented to the enhancement of the quality of life and physically focusing on a core of services in a residential setting, which shall include, at a minimum, housing, health-related and nursing services, and a residential health-care facility; such community shall be for people who pay an entry fee and a monthly maintenance fee and is herein defined as a continuing retirement community (congregate living facility); and
- (7) A hospice, respite care facility and other uses accessory to the HRF.

HEALTH-RELATED FACILITY, NONINTENSIVE -- An HRF of less than 20,000 square feet or in combination of less than 20,000 square feet.

HOME OCCUPATION -- An occupation or profession which:

- (1) Is customarily carried on in a dwelling unit or in an attached building, provided no

commodity is sold upon the premises;

- (2) Is conducted by a member of the family residing in the dwelling unit;
- (3) Is clearly incidental and secondary to the residential use of the dwelling unit and does not utilize more than 25% of the gross floor area of the single dwelling unit (not to exceed 400 square feet in area); and
- (4) Conforms to the following additional conditions:
 - (a) No employees outside of the family may be used;
 - (b) The home occupation sign requirements are met;
 - (c) No offensive odors, vibrations, smoke, dust, noise or glare shall be produced; and
 - (d) Off-street parking requirements are met.
- (5) A home occupation shall not include, among others, the following.
 - (a) Barber and/or beauty shops;
 - (b) Commercial stables, veterinarian clinics, animal hospitals and kennels; or
 - (c) Restaurants.

HOTEL or MOTEL -- A building or group of buildings consisting of at least six rooms used primarily for the provision of sleeping accommodations for the transient public.

HOUSEHOLDER -- An individual who resides in a dwelling unit and who owns, rents or otherwise has legal possession of such unit.

KENNEL -- Any establishment where four or more dogs, cats and/or other animals (not including livestock) are cared for or sheltered for the purpose of sale, breeding, training or exhibition, or are boarded for a fee, or are sheltered for humanitarian reasons. The term "kennel" does not include veterinarian offices or pet stores.

LOADING SPACE -- Any off-street area available for the loading or unloading of goods, not less than 14 feet wide, 60 feet long, and 15 feet high (if covered in any manner), and having direct usable access to a street; except that one such loading space lying alongside, contiguous to, and not separated from such first loading space, need not be wider than 12 feet.

LOT -- A parcel of land, not divided by streets, devoted or to be devoted to a particular use, or occupied or to be occupied by a building or buildings, together with such open spaces as are required under the provisions of this chapter, and having its principal frontage on a street,

as defined in this chapter.

LOT AREA -- The total horizontal area included within lot boundaries.

LOT, CORNER -- A lot located at the junction of and fronting on two or more intersecting streets. Any other lot is an "interior lot."

LOT COVERAGE -- The ratio obtained by dividing the ground floor area of all principal and accessory buildings (including covered porches, carports, and breezeways, but excluding open patios) on a lot by the total area of the lot upon which the buildings are located. See also "area, building" and "floor area ratio."

LOT DEPTH -- The average horizontal distance between the front and rear lot lines, measured perpendicular to the front lot line.

LOT GRADE -- The average elevation of a parcel of property.

LOT, INTERIOR -- A lot other than a corner lot.

LOT, THROUGH -- A lot having frontage on two streets and not a corner lot.

LOT WIDTH -- The average horizontal distance between the side lot lines, measured parallel to the front lot line.

LOT LINES -- The property lines bounding a lot, as defined herein.

LOT LINE, FRONT -- In the case of a lot abutting only one street, it is the line separating the lot from the City right-of-way; in the case of any other lot, the owner shall, for the purpose of this chapter, have the privilege of electing any street lot lines as the front lot line.

LOT LINE, REAR -- The lot line which is generally opposite the front lot line; if the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE -- The property line or lines extending from the front lot line to the rear lot line.

LOT OF RECORD -- A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Clerk of Rensselaer County.

NONCONFORMING USE, LOT OR BUILDINGS -- A use, lot or building lawfully existing prior to enactment, revision or amendment of this chapter, which does not comply with the restrictions, regulations and provisions of this chapter as applied to, and determined from, the zone or district in which such use, lot or building is located by reason of such

enactment, revision or amendment.^{EN(4)}

NONPUBLIC SCHOOL -- A private school furnishing a comprehensive curriculum of academic instruction similar to that of a public school on the kindergarten, primary and/or secondary level.

OFFICE, BUSINESS -- Office for a person or persons providing services of a nature not defined as professional.

OFFICE, PROFESSIONAL -- Office for a person or persons whose vocation or occupation required advance training in some liberal art or science and is usually more involved with mental rather than manual labor. Examples include but are not limited to the following: offices of a lawyer, clergyman, physician, dentist, architect, engineer or accountant. If the professional office meets the home occupation criteria (see "home occupation," above), it shall be considered a home occupation.

OPEN SPACE -- An unoccupied space open to the sky and unoccupied by buildings or obstructions.

OPEN SPACE, USABLE -- Open space reserved for recreation and leisure use to serve adjacent residential development. Such space shall be of grade and dimension as to be in fact usable for recreation, with at least 75% of the area having a grade of less than 5% and with no dimension less than 20 feet, and shall be located conveniently to building entrances and not less than 10 feet away from any residence structure and any lot line.

PATIO -- An unroofed area or courtyard which shall not be completely enclosed, except for any side which may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure.

PARKING LOT -- A lot devoted to the temporary parking of automobiles defined by a boundary, with parking spaces delineated.

PARKING SPACE -- An area required for parking one automobile, which in this chapter is held to be an area of 162 square feet not including passageways. (See Parking Regulations; Article VI, of this chapter).

PERMITTED USE -- Any use which does not require special action by the Board of Appeals before a work permit is granted by the Director.

PLANNING COMMISSION -- The Troy City Planning Commission being the same as a planning board, said latter term being contained in Article 3 of the General City Law. (See also § C-89 of the City of Troy City Charter.)

RESIDENCE -- A building containing one or more dwelling units. This shall not include

hotel, motel, or HRF.

- (1) MULTIFAMILY, HIGH-RISE -- A dwelling no more than 250 feet high used solely as a dwelling and which contains at least three dwelling units.
- (2) MULTIFAMILY, HIGH-RISE, MULTIUSE -- A dwelling no more than 250 feet high which contains at least three dwelling units and which provides commercial and/or professional services on all or part of the first floor only.
- (3) MULTIFAMILY, LOW-RISE, MEDIUM-DENSITY APARTMENT HOUSE -- A dwelling no more than 40 feet high which contains three or more dwelling units. A condominium or a townhouse is not an apartment house.
- (4) MULTIFAMILY, LOW-RISE, MEDIUM-DENSITY TOWNHOUSE -- A dwelling not more than 40 feet high containing three or more dwelling units, the units of which are individually owned, each owner receiving a deed enabling him/her to sell, mortgage or change his/her unit independent of the owners of the other units in the dwelling.
- (5) SINGLE-FAMILY, ATTACHED AND SEMIATTACHED -- A dwelling not more than 40 feet high containing at least three dwelling units separated by party walls. The land upon which each unit is located is in individual ownership.
- (6) MULTIFAMILY, MEDIUM-RISE, MULTIPLEX -- A dwelling no less than 40 feet, nor more than 90 feet high, used solely as a dwelling and which contains at least three dwelling units.
- (7) MULTIFAMILY, MEDIUM-RISE, MULTIUSE -- A dwelling no less than 40 feet, nor more than 90 feet high, which contains at least three dwelling units and which provides commercial and/or professional services on all or part of the first floor only.
- (8) SINGLE-FAMILY, DETACHED -- A dwelling containing no more than one dwelling unit not abutting or connected to any other dwelling or building (except accessory buildings, e.g., garage, toolshed).
- (9) TWO-FAMILY -- A dwelling no more than 35 feet high, used exclusively as a dwelling and containing two dwelling units only.
- (10) TWO-FAMILY DUPLEX -- A dwelling containing two dwelling units side by side separated by party wall. Each unit is located on a separate lot.

RESTAURANT -- A building or portion thereof where food and beverages, whether or not alcoholic beverages, are sold to the public for consumption on the premises. The sale of alcoholic beverages must be clearly incidental to the sale of food.

ROOMING HOUSE -- A dwelling occupied by one family with at least three and no more than 10 boarders, roomers or lodgers in the same household, who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants and distinguished from a bed-and-breakfast.

SETBACK -- The distance measured from the property line to the building line.

SHELTER -- A structure owned or leased by a nonprofit organization with a board of directors, having bylaws with the express purpose of providing temporary living quarters in a secure, supervised environment for individuals and/or families at risk.

STREET -- A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

STREET LINE -- The dividing line between a street and a lot.

STRUCTURAL ALTERATION -- Any alteration in a building or other structure which changes the interdependence of the parts necessary to support the building or structure in a safe manner or definite integral organization.

STRUCTURE -- Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TAVERN -- A retail establishment selling alcoholic beverages by the drink as its predominant use.

TELECOMMUNICATION FACILITY -- A structure for the sole purpose of sending or receiving communication signals, including cable television, telephone, radio, radar, television and microwave.

TERRACE -- An open space without a permanent roof or fixed awning.

THEATER -- A building or part of a building devoted to the presentation of theatrical or other entertainment performances, including the showing of motion pictures on a paid admission basis.

TRAVEL TRAILER -- A movable vehicle used for living or sleeping quarters and standing on wheels or on rigid supports and lacking any of the following systems and equipment: plumbing, heating, electrical, cooking and refrigeration, as distinguished from mobile homes which have all of the above systems.

USE -- The specific purpose, as defined in this chapter, for which land, water or a building or structure is designed, arranged, intended, or for which it is or may be occupied or

maintained.

UTILITY, PUBLIC -- Any person, firm, corporation or municipal agency duly authorized to furnish to the public, under public regulation, electricity, gas, water, steam, telephone, telegraph or cable television service.

VARIANCE -- A special permission granted by the Zoning Board of Appeals to alter or waive the terms of this chapter as allowed by this chapter. (See § 285-33 for guidelines and criteria to be utilized in the review of variances.)

WORK PERMIT (BUILDING PERMIT) -- A document issued by the Director, authorizing specified work to be done and/or use to be made of projects.

YARD -- An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except for permitted accessory uses and structures and landscaping. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building, as defined herein, to the nearest lot line.

YARD, FRONT -- A yard extending across the full width of the lot and lying between the front line of the lot and the nearest permitted line of the building.

YARD, REAR -- A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest permitted line of the building.

YARD, SIDE -- A yard between the side of the lot and the nearest permitted line of the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear lot line, as the case may be.

ARTICLE III, Administration and Enforcement

§ 285-13. Director of Code Enforcement.

Except where herein otherwise stated, the Director of Code Enforcement, hereafter referred to as the Director, shall enforce the provisions of this chapter. The Director shall not vary any requirement of this chapter.

§ 285-14. Inspections.

In order to carry out his/her duties in the enforcement of this chapter, the Director shall make all necessary inspections of buildings or premises.

§ 285-15. Work permit.

- A. No work permit, pursuant to the Building Code of the City of Troy^{EN(5)}, shall be issued for any proposed building or structure, alteration of any existing building or structure or for the use, change of use or reuse of any land, building or structure which is not in accordance with the provisions of this chapter, unless required approvals by the Planning Commission and/or Zoning Board of Appeals have been given. A work permit is also required when any construction, demolition or alteration is made to any sites, monuments, landmarks, spaces and objects located within a designated local historic district. In such cases, Chapter 47, Historic District and Landmarks Review Commission, shall apply in its entirety and shall prevail when in conflict with any specific requirement of this chapter.
- B. It shall be unlawful for the Director to issue a work permit unless he/she has certified that the proposal is in conformance with this chapter, the Freshwater Wetlands Act, the SEQR Act, the Federal Flood Insurance Act, the Coastal Zone Management Act, and the Historic District and Landmarks Review Ordinance or that necessary approvals have been granted by the Planning Commission and/or Zoning Board of Appeals of the City of Troy.
- C. Application for a work permit shall be made in writing to the Director on forms furnished for such purpose and shall be accompanied by such plans, fees and other information prescribed in § 285-37 of this chapter.

§ 285-16. Certificate of occupancy.

No building or structure or parts thereof, which is hereafter erected or altered or the use of which is changed, shall be occupied or used (or the same caused to be done) unless and until a certificate of occupancy (CO) shall have been issued by the Director for such building.

- A. It shall be unlawful for the Director to issue a certificate of occupancy for any construction or alteration or change of use for any building or structure to be occupied until he/she has determined that such occupancy is in compliance with this chapter or has been approved by the Planning Commission and/or Zoning Board of Appeals.
- B. A certificate of occupancy required by the Building Code shall be the same as a CO required

by this chapter.

- C. A certificate of occupancy can be issued for existing buildings, structures or uses if, after inspection, it is found that issuance of a CO would be in conformance with this chapter or if approval for use of the building, structure or property is granted by the Planning Commission and/or Zoning Board of Appeals of the City of Troy.
- D. Buildings accessory to the principal building or use of a lot shall not require separate CO's unless the accessory structures are to be occupied for other than an accessory use at a later date.
- E. At the discretion of the Director, a CO may be issued to permit occupancy of a specific portion of a building or structure, provided that:
 - (1) Work being done on the remainder of the building or structure does not interfere with the occupied part; and
 - (2) Adequate emergency access and egress is maintained.
- F. At the discretion of the Director, a temporary CO may be issued to permit occupancy of an entire building or structure for a period of six months until specified minor work items are completed. Such temporary CO shall be issued only when proof is provided by the applicant that, for reasons beyond his/her control, work cannot be completed until a later date. All code work must be completed prior to the issuance of a temporary CO; code work is work conducted to bring a structure to City Building and/or Housing Code specifications.^{EN(6)}
- G. Applications for a CO shall be made in writing to the Director on forms furnished for that purpose.
 - (1) The CO shall be granted within seven calendar days of receipt of a completed application, if the Director's inspection finds that the building, structure or use of land is in accordance with the provisions of this chapter and other applicable laws.
 - (2) If such CO is refused for cause, the applicant shall be notified, in writing, of such refusal within the aforesaid seven calendar days.
- H. A certificate stating the allowed number of residents per dwelling unit and the required number of off-street parking spaces for the whole building shall be posted in a common area inside all buildings containing greater than two dwelling units. This section will apply to all such buildings changing use and/or ownership or wherein the number of dwelling units is changed subsequent to the enactment of this section.

§ 285-17. Final inspection.

The holder of every permit for construction, erection, alteration, repair or moving of any building, structure, use of land or part thereof shall file for final inspection immediately upon completion of the work authorized by such permit.

§ 285-18. Records.

The Director shall keep records by street address and property owner of all applications, permits, certificates, variances, inspections, approvals by the Planning Commission and/or Zoning Board of Appeals, notices and orders issued in the performance of his/her duties.

§ 285-19. Annual report.

The Director shall prepare a written report to the Planning Commission and Zoning Board of Appeals, listing all cases heard by both bodies and describing enforcement of the decision (with stipulations) of both bodies. Such report shall be made in writing and shall be presented to the secretary of each body by the last day of January of the succeeding year. This report shall be indexed by case and be available to the public, pursuant to the Freedom of Information Law.

§ 285-20. Appropriate actions.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alterations, repair, conversion, maintenance or use, to restrain, correct or abate such violation, and to prevent the occupancy of said building or use in or about such premises.

§ 285-21. Violation complaints.

Whenever a violation of this chapter occurs, any person may file a written complaint in regard thereto with the Director, who shall record such complaint and immediately investigate and report thereon and shall take such measures appropriate for the situation.

§ 285-22. Planning Commission.

The Planning Commission shall strive to promote excellence of site design so as to improve community attractiveness, minimize negative influences of discomplementary uses, protect the natural environment, minimize traffic conflicts and congestion and protect the public health, safety and welfare.

§ 285-23. Membership.

(See Chapter 71, Planning Commission.)

§ 285-24. Meetings.

(See Chapter 71, Planning Commission.)

§ 285-25. Powers and duties.

- A. Site plan review. No work permit may be issued by the Director of Code Enforcement for the following uses or developments until a site plan has been approved by the Planning Commission. The Planning Commission's authority is limited to site design review for the purpose of meeting § 285-22.
 - (1) All uses and structures except:
 - (a) Individual single-family residential structures, including two-family residential structures, and customary accessory structures therefor, excluding satellite dishes, etc.;
 - (b) Accessory structures, other than those noted in the preceding, that do not exceed 100 square feet in area and 10 feet in height;
 - (c) Changes of use to a permitted use within the Central Business District, excluding restaurants with seating for more than 19; and
 - (d) Reoccupancy of an allowed use that has been vacant for less than five years.
- B. Other. The Planning Commission shall exercise all authority granted by Chapter 71, Planning Commission, and by state enabling statute, and shall include, but shall not be limited to, subdivision review, street closing and preparation of the Comprehensive Plan, or amendment

thereto, and recommendation of such proposed Plan or amendment to the legislative body of the City for adoption.^{EN(7)}

- C. Referrals. Prior to final action, the Planning Commission shall refer the site plan, where applicable, to the county planning board, in accordance with §§ 239-l, 239-m and 239-n of the General Municipal Law.

§ 285-26. Annual report.

An annual report shall be made by the Commission to the Mayor by January 31 of each calendar year. Each such report shall summarize the actions of the Planning Commission (including stipulations) for the 12-month period ending on December 31 of the previous calendar year. This report shall be indexed by case and be available to the public, pursuant to the Freedom of Information Law.

§ 285-27. Zoning Ordinance modifications.

Modifications include but are not limited to rezoning, amendments, revisions, or adoption of a new ordinance. Such modifications shall require at least one public hearing conducted at a regular or special meeting of the Planning Commission. Requirements of this section shall be minimum requirements and shall not take precedence over any more restrictive requirements.

§ 285-28. Comprehensive Plan of Land Use. ^{EN(8)}

At least once in every five-year period, commencing with the date of the adoption of this chapter, the Planning Commission shall prepare or cause to be prepared an updated five-year Comprehensive Plan for the City of Troy. Adoption of such Comprehensive Plan shall be by the City Council.

§ 285-29. Zoning Board of Appeals.

The Zoning Board of Appeals is an appellate body hereby established pursuant to the provisions of § 81, Article 5a of the General City Law. Except where herein otherwise stated, the Zoning Board of Appeals may not involve itself in site design review for the purpose of varying requirements of this chapter or for any other purpose.

§ 285-30. Membership.

- A. The City of Troy Zoning Board of Appeals shall consist of five members, each of whom shall be appointed by the Mayor. The Zoning Board of Appeals shall continue to have all of the powers and authority conferred on it by this chapter, adopted on October 6, 1988, and such other powers as conferred upon it by Chapter 208 of the Laws of 1993.
- B. Members now holding office whose terms do not expire at the end of the official year shall, upon expiration of their term, hold office until the end of the official year.
- C. Appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of the official year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each official year thereafter, until such time as the Board has been reconstituted with five members, each having terms that expire in five consecutive official years thereafter. Subsequent terms shall be for a period of five years.
- D. A quorum of the Board to conduct business is three members.

§ 285-31. Meetings.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chair at such times as the Zoning Board of Appeals shall determine. In the absence of the Chair, the Vice Chair may call an emergency meeting if a quorum of the members is in concurrence. All hearings conducted by the Zoning Board of Appeals shall be open to the public, pursuant to § C-91 of the City Charter.

- A. Minutes of all Zoning Board of Appeals proceedings shall be taken by the executive secretary. Such minutes shall be prepared in written form and filed with the Director within 24 hours of each meeting and shall include:
 - (1) Attendance; and
 - (2) All questions and the vote of each member on all questions.
- B. A quorum of the Zoning Board of Appeals to conduct business is four members.
- C. Reversal of any decision of the Director or granting of a variance from any requirement of this chapter shall require the concurrence of four members of the Zoning Board of Appeals

§ 285-32. General procedures for conduct of Zoning Board of Appeals meetings.

A. Public participation.

- (1) Pursuant to § C-91 of the City Charter, this meeting shall be open to the general public. Each citizen may speak once during the hearing on a particular item. In each instance, all those citizens or taxpayers of the City of Troy or their duly authorized representative wishing to be heard will be given the opportunity to speak. The Chair, at his/her discretion, may require that those in attendance whose testimony is obviously repetitive substitute a written statement in lieu of oral testimony. Citizens or taxpayers of communities adjoining Troy may be heard, through one representative chosen by them, if the proposed development is within 500 feet of the border separating the adjoining community and the City of Troy.
- (2) But for the initial presentation of the applicant, there will be a limit of five minutes to speak on proposed agenda items or to read a prepared statement. The name and address of each speaker must be given as an introduction. The Zoning Board of Appeals will also accept and encourage written and signed statements and petitions as part of public testimony. The primary purpose of the hearing will be for the Zoning Board of Appeals to listen to interested and concerned citizens or taxpayers as individuals. Remarks should be kept relevant to the item(s) on the agenda being discussed. No debate or argumentation shall be permitted. The Chair, at his/her discretion, may require that a speaker sum up his/her testimony in order to proceed with the orderly conduct of the meeting. Testimony will be recorded and maintained in the office of the executive secretary as a public record.

B. The order of presentation.

- (1) Those appearing in support of the proposal:
 - (a) Presenters, representatives, etc.; and
 - (b) Additional supporters of the proposal.
- (2) Those appearing in opposition to the proposal.
- (3) A very brief rebuttal period within which a single representative of each side of the issue may rebut and clarify arguments regarding the proposals, for a period of five minutes each.

C. Agenda. The agenda of the Zoning Board of Appeals shall be structured as follows. The Chair, at his/her discretion, may change the order of business within categories.

- (1) Roll call;
- (2) Reading of the general procedures for the conduct of public hearings;
- (3) Committee reports;
- (4) Minor area variances, as defined in § 285-33E;
- (5) Old business;
- (6) New business involving major area variances, temporary permits, special use permits, use variances; and
- (7) Adjournment.

D. Zoning Board of Appeals deliberation. At the end of the presentation of each case on the agenda, the Chair shall close the hearing. The Zoning Board of Appeals will then reconvene in deliberative session during which arguments will be discussed. These discussions will be solely among members of the Zoning Board of Appeals and their staff. There will be no disruption of this process by the audience nor conversation with members of the Zoning Board of Appeals that is not recognized by the Chair. After deliberating the agenda item in question, a vote of the Zoning Board of Appeals will be taken and recorded. After voting, the Zoning Board of Appeals will proceed to the next item on the agenda.

§ 285-33. Powers and duties.

The Zoning Board of Appeals is empowered to hear and decide appeals where it is alleged that there is an error of law or an error in an order, requirement, decision or determination made by the Director in the enforcement of this chapter. In accordance with the provisions of this chapter, the Zoning Board of Appeals shall also hear and decide requests for variances, for interpretations of the zoning ordinance and/or map and for decisions on special approval situations. The Zoning Board of Appeals may table any matter before it for no more than one consecutive regularly scheduled meetings. Thereafter, the Zoning Board of Appeals must take action on the matter.

A. Use variance: Authorization by the Zoning Board of Appeals that allows a specified use in a zone district, including restricted locations on the lot or within the structure in which the specified use is not allowed by this chapter. In order to qualify for a use variance, an appellant must provide evidence, for the record, that a legal hardship would occur in the absence of such use variance. The Zoning Board of Appeals shall not grant a use variance unless the applicant provides conclusive evidence to prove:

- (1) That the land, property, structure or building in question cannot yield a reasonable

economic return if used only for a purpose allowed in the zone;

- (2) That need for the variance was not caused by the applicant;
- (3) That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
- (4) That the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonable uses of the zoning ordinance itself.

B. Special use permit.

- (1) Because of their unique characteristics, some uses must be considered on an individual basis. Such special uses may be permitted only upon authorization by the Zoning Board of Appeals, subject to certain conditions and safeguards. Such special uses shall comply with the provisions of this section. Under no circumstances may the Zoning Board of Appeals authorize a special use permit if any of the following conditions can be expected to result from the special permit authorization:
 - (a) Substantial injury to the value of adjacent and nearby properties.
 - (b) Landscaping and screening requirements of this chapter are not met on the site plan.
 - (c) The special use is expected to impair the public health, or safety, or convenience, or welfare, or property values, or aesthetic values, or environmental quality of adjacent and nearby properties.
- (2) Such special use permits shall comply with this section, and no variances from the requirements of Subsection B may be granted by the Zoning Board of Appeals. A special use permit granted will be considered to be a legal nonconforming use in the future.
- (3) Additional conditions and safeguards that are not less restrictive than this chapter may be imposed by the Zoning Board of Appeals

C. Temporary permits. Temporary buildings, structures and uses may be authorized by the Zoning Board of Appeals for a period of time not to exceed 12 months. In granting temporary permits, the Zoning Board of Appeals shall abide by the following conditions:

- (1) The granting of the temporary permit shall be in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the uses and effects thereof at the termination of the temporary permit.
- (2) The granting of a temporary permit shall be accompanied by written stipulations regarding setbacks, lot coverage, off-street parking signage and lighting in order to

protect the public health, safety, peace, morals, comfort, convenience and general welfare of the immediate vicinity.

- D. Area variance, major. Authorization by the Zoning Board of Appeals that allows a departure to a major degree from the text of this chapter. Area variances include any departure not covered by a use variance, special permit or temporary permit (e.g., lot size, setbacks, number of off-street parking spaces). In order to qualify for an area variance, the applicant must provide evidence of a practical difficulty imposed by the meeting of the requirements of this chapter.
- E. Area variance, minor. Authorization by the Zoning Board of Appeals that allows a departure to a minor degree from the text of this chapter. Minor area variances include setback and lot coverage of the proposed use for accessory structures and swimming pools in all applicable zones. In order to qualify for a minor area variance, the applicant must provide evidence of a practical difficulty in meeting the requirements of this chapter. Evidence supporting the applicant's request should include a letter or oral testimony from the applicant's immediately adjacent residential neighbor indicating no objection to the proposed variance.
- F. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:^{EN(9)}
 - (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 - (3) Whether the requested area variance is substantial;
 - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- G. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.^{EN(10)}

§ 285-34. Annual report.

An annual report shall be made by the Zoning Board of Appeals to the Mayor by January 31 of each calendar year. Each such report shall summarize the actions of the Zoning Board of Appeals (including stipulations) for the twelve-month period ending on December 31 of the previous calendar year.

§ 285-35. Notice requirements.

See § 285-36A(4), below.

§ 285-36. Zoning Board of Appeals approvals. [Amended 12-4-1997]

- A. Pursuant to § 285-33, any person desiring to use a parcel of real property in the City of Troy for a purpose other than those permitted in the appropriate zone district or otherwise violate the provisions of this chapter must file a notice of appeal/application to the Zoning Board of Appeals (see Appendix A^{EN(11)}) with the Planning Department for the Zoning Board of Appeals. Such appeal must be made within 60 days of a work permit or certificate of occupancy request denial by the Director.
- B. Process.
- (1) Step 1 (application). Application for Zoning Board of Appeals approval shall be submitted to the Planning Department on forms provided for that purpose.
 - (2) Step 2 (submittal). A completed application form, together with a plot plan (or a copy of the Planning Commission site plan, if prepared) and the appropriate fee, shall be submitted to the Planning Department at least 18 days prior to the Zoning Board of Appeals meeting at which the appeal will be heard.
 - (3) Step 3 (staff report). The Zoning Board of Appeals staff reports shall have been prepared by the Planning Department and shall have been received by Zoning Board of Appeals members at least seven days prior to the meeting at which they are to be acted upon by the Zoning Board of Appeals
 - (4) Step 4 (notice). Public notice of every appeal heard by the Zoning Board of Appeals shall be given at least one time in a newspaper of general circulation at least 10 days prior to the Zoning Board of Appeals meeting it announces. One copy of the meeting notice shall be mailed to each applicant named thereon at least 10 days prior to the

meeting date. In addition, one copy of the notice shall be mailed to the five most adjacent property owners of record, as per the City Assessor's roll, at least seven days prior to the meeting date.

- (5) Step 5 (meet in public hearing). Based only upon the evidence presented in public hearing, the Zoning Board of Appeals shall determine whether the relief sought is granted or denied. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. If approval is granted, the applicant shall submit a site plan to the Planning Commission for review. Official approval of an action by the Zoning Board of Appeals shall be made in writing to each appellant and shall state that the approval will expire after six months from the approval date if a work permit is not secured. (See §§ 285-32A and 285-46.)
- C. Hearings of the Board of Appeals shall be held as set forth in General City Law § 81-a. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.^{EN(12)}

§ 285-37. Work permit.

- A. Pursuant to the requirements of § 285-15A, any person desiring to excavate, construct, repair, rehabilitate, demolish, use, reuse or change the use of any land, building or structure or part thereof must request (§ 285-15B) a work permit from the Director. Such application shall be accompanied by drawings and or written narrative sufficient to clearly describe the location and nature of the proposed work or use of property. Upon receipt of an application and whatever additional information is deemed necessary by the Director, the Director shall inspect this chapter and shall either issue a work permit (which allows the applicant to commence work immediately upon paying the required fee) or shall advise the applicant, in writing, as to the nature of required approvals that must be obtained prior to issuance of the work permit.
- B. Required approvals will take the form of site plan review (§ 285-25A), subdivision review, (§ 285-25B), use variance (§ 285-33A), area variance (§ 285-33E), special use permit (§ 285-33B), temporary use permit (§ 285-33C) or change of nonconforming use (§ 285-67A) or any combination thereof. None of these listed approvals shall be given until the terms of all other laws or ordinances (§ 285-15A) are met.

§ 285-38. Certificate of occupancy.

Pursuant to the requirements for § 285-16, any person desiring to occupy for any purpose a new

or an existing building or structure or parcel of land or part thereof must request (§ 285-16G) a certificate of occupancy, with respect to compliance with all appropriate City codes and ordinances, from the Director. (See § 285-16.)

§ 285-39. Site plan review.

See § 285-25.

A. Process.

- (1) Step 1. Prior to submission of a formal plan, the applicant may meet in person with a staff person for the Planning Commission or any number of its members in an informal meeting to discuss the proposed site plan so that subsequent steps may be taken with a clear understanding of the Planning Commission's requirements in matters relating to the development of the site.
- (2) Step 1a. The applicant, at his/her option, may request a preliminary hearing by the Planning Commission for purposes of conceptual review only. Such review is intended to provide the applicant with guidance prior to submission of a formal plan. Such review is not binding on the Planning Commission for the purposes of issuance of a building permit.
- (3) Step 2. A completed application form (see Appendix A^{EN(13)}), the required fee, and 15 copies of the site plan shall be submitted to the Department of Planning and Community Development, hereafter referred to as the "Planning Department," at least 21 days prior to the Planning Commission meeting at which approval is requested. The Planning Department shall certify on each site plan that all provisions of this chapter have been met or, if not, shall list on the plans those requirements of the chapter that are not met.
- (4) Step 3 (distribution).
 - (a) The Planning Department shall circulate copies of the site plan to the following staff members: Department of Public Utilities (water and sewer); City Engineer; Traffic Engineer; Director of Code Enforcement; Fire Chief; Police Chief; and shall solicit comments therefrom.
 - (b) The Planning Department shall circulate one copy of the site plan for all proposed residential developments of 10 or more units to the superintendent of schools for the school district within which the residential development lies.
- (5) Step 4 (staff meeting). At least 15 days prior to any scheduled meeting of the Planning Commission, the staff members may meet to discuss all proposals in order to identify

problems, to outline staff reports and to conduct environmental reviews.

- (6) Step 5 (staff reports). By the seventh day before any scheduled meeting of the Planning Commission, a written staff report for each project shall have been received by all Planning Commission members and a public notice shall have been delivered to a newspaper of general circulation to be published five days prior to the meeting. In addition a copy of the public notice shall be mailed to each applicant 10 days prior to the meeting date, and one copy of the notice shall be mailed to the five most adjacent property owners of record, as per the City Assessor's roll, at least 10 days prior to the meeting date.^{EN(14)}

- (7) Step 6. Meet in public hearing.

- B. Elements. Site plans for Planning Commission review shall be deemed incomplete and therefore not reviewable unless they contain all of the required information listed in Appendix B^{EN(15)}.

§ 285-40. Subdivision review.

See Ch. 71, Planning Commission, of this Code.

§ 285-41. Sequence.

In many cases the Director finds it necessary for a request to be reviewed by both the Planning Commission and the Zoning Board of Appeals. When this occurs, the applications shall be heard first by the Zoning Board of Appeals and then by the Planning Commission. This provision may be waived by the Planning Commission, if conditions create an undue burden on the applicant.

§ 285-42. Emergencies.

The Director may issue whatever appropriate orders and/or permits for work he/she deems necessary, although in violation of this chapter, to protect life or property, when imminent peril can otherwise be expected. In all cases, the Director must document his/her decision to the Zoning Board of Appeals at its next scheduled meeting. Such permitted work cannot be stopped except by a restraining order granted by a court of record.

§ 285-43. Court appeal.

Any aggrieved person who may have a substantial interest in any decision of the Planning Commission, the Zoning Board of Appeals or any officer, department or office of the City of Troy, relating to this chapter, may appeal from any such decisions to the Zoning Board of Appeals. All decisions of the Zoning Board of Appeals are subject only to review by the Supreme Court of the State of New York by filing with the clerk of said court a petition in writing setting forth wherein such Zoning Board of Appeals decision is arbitrary, capricious and an abuse of discretion. Such appeal must be filed within 30 days after the decision of the Board of Appeals is rendered and filed in the office of the Zoning Board of Appeals.

§ 285-44. Penalties for offenses.

Any person violating any provision of this chapter shall be guilty of a violation, as defined in § 10 of the Penal Law, and shall be punished by a fine of not more than \$250 or 15 days in jail, or both.

§ 285-45. Table of fees. [Amended 12-6-2001 by Ord. No. 9; 2-7-2002]

Request	Fee
Area variance, minor	\$25
Area variance, major	\$50
Use variance	\$100
Special use permit	\$50
Temporary use permit	\$50
Rezoning request	\$350
Site plan review (based on value of project):	
Up to \$10,000	\$50
\$10,001 to \$100,000	\$200
\$100,001 to \$500,000	\$400
\$500,001 and above	\$500
Subdivision review (based on number of lots):	
Minor (under 10 lots)	\$200
Major (over 10 lots)	\$500

§ 285-46. Expiration.

Approval granted under this article shall expire six months from the date of approval unless a work permit is secured and work has commenced on the approved activity. All work conducted

on projects approved by the Planning Commission or Zoning Board of Appeals must be completed within one year of the date of approval unless:

- A. A different, specified time limit is established during project review in public hearing; or
- B. The applicant requests an extension for a specified time period for cause in public hearing.
Cause shall be at the discretion of the Planning Commission and/or Zoning Board of Appeals

§ 285-47. Public posting.

The applicant for any of the actions listed in § 285-33 is required to post notice (provided by the Planning Department) in/on at least two visually conspicuous locations on the parcel(s) in question at least seven days prior to the hearing to be conducted for the application. A corner parcel must be posted in at least two directions. It is assumed that the applicant will make a reasonable effort to replace postings that are either removed or substantially damaged. Failure to do so can result in the postponement of the application until such requirements are met. (See Appendix C-1-2^{EN(16)}.)

ARTICLE IV, Zoning Districts Regulations

§ 285-48. District designations.

For the purpose of promoting the public health, safety and general welfare of the City of Troy, the City is hereby divided into the following districts:

R-1	Single-Family Residential, Detached
R-2	Two-Family Residential
R-3	Multiple-Family Residential, Medium-Density
R-4	Urban Neighborhood Residential, Medium- to High-Density
R-5	High-Rise Residential, High-Density
P	Planned Development
B-1	Neighborhood Commercial
B-2	Community Commercial
B-3	Shopping Center Commercial
B-4	Central Commercial
B-5	Highway Commercial
BP	Business Park
IND	Industrial

CON	Conservation
INST	Institutional

§ 285-49. Zoning Map.

- A. The locations and boundaries of the zoning districts hereby established are shown on a map entitled "Zoning Map of the City of Troy, New York, Dated the 7th Day of October, 1988." This zoning map and all notations, references, and other information shown thereon accompanies this chapter as Appendix D^{EN(17)}.
- B. The City Council shall cause to be delineated on the Zoning Map by the Department of Planning and Community Development all amendments to the district boundaries which are authorized by ordinance, immediately upon the effective date of such ordinance. The title and date of the ordinance are to be stated in the ordinance.

§ 285-50. Boundary interpretation. [Amended 10-4-1990]

Where uncertainty exists as to the locations of any boundaries shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow center lines of streets or alleys, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions as shown on the Zoning Map, except in the instance of waterways within the Conservation Zone where the boundaries are intended to be the one-hundred-year floodplain.
- B. Where such boundaries appear to follow lot lines, such lot lines shall be construed to be such boundaries.
- C. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the Director by the use of the scale appearing thereon, after accurate placement of the lot on the Zoning Map is determined to ensure accurate measurements by the use of the scale.
- D. District boundary lines of the Conservation Zone where the boundary defines a City park are intended to be the extent of the legally established park land.
- E. District boundary lines of the Conservation Zone where the boundary defines a cemetery are intended to be the extent of land holdings of said cemetery.
- F. After the application of the foregoing rules, if uncertainty exists as to the exact location of a

district boundary, the Board of Appeals shall determine and fix the location of said line, at the request of the Director.

- G. Where a district boundary line divides a lot of record, held in one ownership at the time of adoption of said district line, the regulation for the less restricted portion of such lot may, at the owner's option, apply to the remainder of said lot up to a distance of not more than 100 feet from said district line, except as provided below. If after applying this one-hundred-foot rule, more than 70% of the lot area is in the less restrictive district, the entire lot may, at the owner's option, be considered to be in the less restrictive district. In no instance shall the boundary of the INST Zone be extended under this subsection to within 100 feet of any lot line in any residential zone.
- H. Any land hereafter annexed to or consolidated with the City of Troy shall be deemed to be zoned in the most restrictive residence district (R-1) until said land is reclassified by an amendment to this chapter.

§ 285-51. Application of regulations.

Except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupancy of a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- C. No part of a yard or other open space about any building, required for the purpose of complying with the provisions of this chapter, shall be included as part of a yard or other open space similarly required for another building.
- D. No lot, yard, setback, parking area or other space shall be so reduced in area, dimension or capacity as to make said area, dimension or capacity less than the minimum required under this chapter. If already less than the minimum required under this chapter, said area, dimension or capacity shall not be further reduced, and any new construction shall meet the minimum requirements of this chapter.
- E. Area requirements such as setbacks, lot coverage, building height, lot area, and lot width shall be applied to new construction only. Existing structures with or without a change of use do not have to meet area requirements of the zone district. New construction shall mean to

include increasing the number of dwelling units in any existing building.

- F. The Director of Code Enforcement may not alter, waive or interpret any specific uses or requirements of §§ 285-52 through 285-67, unless as provided in § 285-16D, E and F.

§ 285-52. R-1 Single-Family Residential Detached.

- A. Philosophy. This District is designed to preserve and extend existing single-family detached home neighborhoods. The intent is to provide for larger-scale urban lots, spacious living units, wide streets and, where economically practical, sidewalks in a low-density setting.

- B. Allowed uses:

- (1) Detached single-family residences.
- (2) Open spaces.
- (3) Home occupations.
- (4) Accessory structures incidental to allowed uses (1), (2) (including private garages, carports, toolsheds, and swimming pools).

- C. Special permit uses:

- (1) Churches.
- (2) Nonpublic elementary and secondary schools.

- D. Lot characteristics:

- (1) Minimum lot area: 7,200 square feet.
- (2) Minimum lot width: 70 feet at front building line.
- (3) Minimum setbacks:
 - (a) Front: 25 feet
 - (b) Rear: 30 feet
 - (c) Sides: 10 feet each or 20 feet on one side, if zero lot line design.
- (4) Maximum lot coverage: 40%.
- (5) Maximum density: 5.5 units per acre.

- E. Building height: 25 feet.
- F. Off-street parking:
 - (1) Single-family: two spaces per unit.
 - (2) Home occupation: two spaces.
 - (3) Other uses: See parking schedule, § 285-91.

§ 285-53. R-2 Two-Family Residential.

- A. Philosophy. This District is designed to maintain the integrity of existing traditional two-family unit residential neighborhoods and to encourage the construction of duplex units either as infill housing or on a larger scale at a low-to-medium density.
- B. Allowed uses:
 - (1) All uses allowed in an R-1 Zone.
 - (2) Two-family residence.
 - (3) Community garden.
- C. Special permit uses:
 - (1) Uses requiring a special permit in R-1 Zones.
 - (2) Nonprofit cultural facilities.
 - (3) Low-intensity health-related facilities.
 - (4) Child-care facilities.
 - (5) Bed-and-breakfast.
 - (6) Expansion of nonconforming uses.
- D. Lot characteristics:
 - (1) Minimum lot area:
 - (a) Single-family detached: 5,800 square feet.
 - (b) Two-family: 3,500 square feet per unit.

- (2) Minimum lot width at front building line: 50 feet.
 - (3) Minimum setbacks:
 - (a) Front: 20 feet.
 - (b) Rear: 30 feet.
 - (c) Sides: five feet each side or 10 feet on one side, if zero lot line design.
 - (4) Maximum lot coverage: 50%.
 - (5) Maximum density:
 - (a) Single-family detached: 7.5 units per acre.
 - (b) Two-family: 12 units per acre.
 - E. Maximum building height: 35 feet.
 - F. Off-street parking:
 - (1) Single-family detached: two spaces per unit.
 - (2) Two-family, duplex: two spaces per unit.
 - (3) Home occupation: two spaces.
 - (4) Other uses: See parking schedule, § 285-91.
- § 285-54. R-3 Multiple-Family Residential, Medium-Density.**
- A. Philosophy: This District allows for the transition from lower-density, large-lot one- and two-family residences to medium-density, multifamily residences of various types. The intent of these regulations is to provide for the orderly development of new low-rise apartment units and townhouses while maintaining the integrity of existing, stable neighborhoods. Additionally, limited professional and existing home occupation uses will be permitted within the scale of existing immediately adjacent neighborhoods.
 - B. Allowed uses:
 - (1) Uses allowed in R-2 Zone.
 - (2) Multifamily, low-rise, medium-density apartment house.

(3) Multifamily, low-rise, medium-density townhouse.

(4) Single-family attached and semi-attached.

C. Special permit uses:

(1) Uses requiring a special permit in R-2 Zones.

(2) Funeral parlors.

(3) Professional offices for no more than four professionals, conducting business collectively or individually and not employing more than 1.25 persons each.

(4) Business offices for no more than five employees.

(5) Off-street parking lots as principal use.

(6) Expansion of nonconforming uses.

(7) Community residential facilities.

D. Lot characteristics:

(1) Minimum lot area:

(a) Single-family detached: 5,000 square feet.

(b) Two-family: 2,500 square feet per unit.

(c) Other residential: 2,500 square feet per unit.

(2) Minimum lot width at front building line:

(a) Single-family detached, two-family: 40 feet.

(b) Other residential: 15 feet per unit with a minimum lot width at the front building line of 60 feet.

(3) Minimum setbacks:

(a) Front: 15 feet.

(b) Rear: 20 feet.

(c) Sides: 10 feet total.

(4) Maximum lot coverage: 50%.

- (5) Maximum density:
 - (a) Single-family detached: 10.5 units per acre.
 - (b) Other residential types: 21.5 units per acre.
- E. Maximum building height: 35 feet.
- F. Off-street parking:
 - (1) Single-family detached: two spaces per unit.
 - (2) Other residential types:
 - (a) New construction: two spaces per unit.
 - (b) Rehabilitation: one space per existing unit.
 - (3) Home occupation: two spaces.
 - (4) Other uses: See parking schedule, § 285-91.

§ 285-55. R-4 Urban Neighborhood Residential, Medium- to High-Density.

- A. Philosophy: This District is designed to continue the stabilization and upgrading of the City's oldest and most well-established neighborhoods. Recognizing the unique problems of mixed land use patterns and the need to accommodate traffic flow and parking within an urban street system designed prior to the widespread use of automobiles, the regulations for this Zone district are designed to maintain existing housing densities.
- B. Allowed uses:
 - (1) Uses allowed in R-3 Zone.
 - (2) Multifamily, medium-rise, high-density residences.
 - (3) Neighborhood commercial establishments specifically designed to provide daily customer services to the residents of the immediate surrounding residential neighborhood. Such uses shall be conducted only for the first or lower floor (including storage) of the principal building on the lot. (See allowed uses in B-1 Zone.) Restaurants are excluded from this category.
 - (4) Bed-and-breakfast.

(5) Community residential facilities.

C. Special permit use:

- (1) Uses requiring a special permit in R-3 Zones exclusive of bed-and-breakfast.
- (2) Membership clubs.
- (3) Expansion of nonconforming uses.
- (4) Restaurants that can accommodate no more than 25 customers at one time.

D. Lot characteristics:

- (1) Minimum lot area:
 - (a) All residences: 1,000 square feet per unit.
 - (b) Neighborhood commercial: 4,000 square feet.
- (2) Minimum lot width at front building line:
 - (a) All residences: 15 feet per unit.
 - (b) Neighborhood commercial: 40 feet.
- (3) Minimum setbacks:
 - (a) Front: 10 feet.
 - (b) Rear: 20 feet.
 - (c) Sides: 10 feet total of both sides.
- (4) Maximum lot coverage: 60%; minimum green space: 25%.
- (5) Maximum density: 40 units per acre.

E. Maximum building height: 40 feet to 60 feet.

F. Off-street parking:

- (1) Residential:
 - (a) New construction: two spaces per unit.
 - (b) Rehabilitation: one space per existing unit.

- (2) Home occupations: two spaces.
- (3) Other uses: See parking schedule, § 285-91.

§ 285-56. R-5 High-Rise Residential, High-Density.

- A. Philosophy. This District is designed to accommodate construction of high-rise, high-density residential buildings. Within these structures, complementary professional, health-related, institutional/and commercial uses are encouraged.
- B. Allowed uses:
 - (1) Multifamily, medium-rise multiplex.
 - (2) Multifamily, multiuse, medium-rise residences.
 - (3) Multifamily, high-rise residences.
 - (4) Multifamily, multiuse, high-rise residences.
 - (5) Professional offices as part of multiuse structure.
 - (6) Business offices as part of multiuse structures.
 - (7) Off-street parking lots as principal use.
 - (8) Health-related facility, nonintensive.
- C. Special permit use:
 - (1) Hotel, motels.
 - (2) Indoor commercial recreation facility, including theaters.
 - (3) Child-care facility.
 - (4) Professional office buildings (freestanding).
 - (5) Health-related facilities, intensive.
 - (6) Colleges and universities.
 - (7) Expansion of nonconforming uses.
- D. Lot characteristics.

- (1) Minimum lot area: None.
- (2) Minimum lot width at front building line: None.
- (3) Minimum setbacks:
 - (a) Medium-rise uses:
 - [1] Front: 10 feet.
 - [2] Rear: 40 feet.
 - [3] Sides: 30 feet total, at least 10 feet each side.
 - (b) High-rise uses:
 - [1] Front: 50 feet.
 - [2] Rear: 60 feet.
 - [3] Sides: 30 feet each side.
- (4) Maximum lot coverage: 50%.
- (5) Maximum density:
 - (a) Medium-rise uses: 60 units per acre.
 - (b) High-rise uses: 120 units per acre.

E. Maximum building heights:

- (1) Medium-rise: 90 feet
- (2) High-rise: 150 feet.

F. Off-street parking:

- (1) Medium-rise: one space per unit plus one space for each 200 square feet of nonresidential floor area.
- (2) High-rise: one space per unit plus one space for each 200 square feet of non-residential floor area.

§ 285-57. P Planned Development.

- A. Philosophy. This District is designed to maximize choice in the types of environment, housing, densities, occupancy tenure, lot sizes, community facilities, usable open space and recreational areas within a large parcel of land in which a planned mix of residential uses is proposed. The intent of this District is to foster a creative and efficient use of land resulting in small networks of utilities and streets, the preservation of existing natural resources, and a development pattern consistent with community needs and standards.
- B. Allowed uses. Dwelling units, detached, semidetached, attached or a combination thereof, whether single-family, duplex, multiplex, condominium or low-rise multifamily. Recreational facilities expressly designed for use by occupants of the above cited dwelling units.
- C. Special permit uses: None.
- D. Overall residential density. Not to exceed eight units per acre.
- E. Lot characteristics by residential use:
 - (1) Single-family detached:
 - (a) Minimum lot area: 5,800 square feet.
 - (b) Minimum lot width at front building line: 40 feet.
 - (c) Minimum setbacks:
 - [1] Front: 20 feet.
 - [2] Rear: 30 feet.
 - [3] Sides: five feet each side or a total of 10 feet on one side, if zero lot line design.
 - (d) Maximum building height: 30 feet.
 - (e) Maximum lot coverage: 50%.
 - (f) Maximum density: six units per acre.
 - (g) Off-street parking: two spaces per unit.
 - (2) Two-family:
 - (a) Minimum lot area: 3,000 square feet (per unit).
 - (b) Minimum lot width at front building line: 40 feet.
 - (c) Minimum setbacks:

- [1] Front: 15 feet.
- [2] Rear: 20 feet.
- [3] Sides: five feet on each side or a total of 10 feet on one side, if zero lot line design.
- (d) Maximum lot coverage: 50%.
- (e) Maximum density: 14 units per acre.
- (f) Maximum building height: 35 feet.
- (g) Off-street parking: two spaces per unit.
- (3) Other residential:
 - (a) Minimum lot area: 2,500 square feet per unit.
 - (b) Minimum lot width at front building line: 20 feet per unit.
 - (c) Minimum setbacks:
 - [1] Front: 25 feet.
 - [2] Rear: 20 feet.
 - [3] Sides: 10 feet total.
 - (d) Maximum lot coverage: 60%.
 - (e) Maximum density: 21.5 units per acre.
 - (f) Maximum building height: 40 feet.
 - (g) Off-street parking: two spaces per unit. See § 285-86 for additional regulations.

F. Lot characteristics for recreational facilities:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width at front of building line: 50 feet.
- (3) Minimum setbacks:
 - (a) Front: 20 feet.

- (b) Rear: 35 feet.
 - (c) Sides: 10 feet each side.
 - (4) Maximum lot coverage: 50%.
 - (5) Maximum building height: 25 feet.
 - (6) Off-street parking: See parking schedule, § 285-91.
- G. Common property. Common property shall be a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the residents of the community. When common property exists, the ownership of such common property may be either public, community, private or any combination thereof. When common property exists, arrangements satisfactory to the Commission must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and recreational and open space areas. The Commission shall retain the right to review and approve the articles of incorporation and charter of any association which will own or manage any common property within the district and to require whatever conditions it deems necessary to ensure that the intent and purpose of this chapter is carried out.
- H. Review standards. In acting on site plans, the Commission shall take into consideration the objectives, guidelines and conditions of this chapter and shall be further guided by the following standards, which shall not, however, be considered firm requirements and which may be varied by the Commission.
- (1) To the extent feasible, at least 10% of the total number of dwellings within this District should be in single-family detached structures.
 - (2) Building height, size and design shall be appropriate to the location within the district where proposed and shall further be appropriate to the overall development plan of the district.
 - (3) There shall be off-street parking facilities which shall be adequate for the particular development, as determined by the Commission. In no cases shall campers, boats and other recreational vehicles be stored in other than screened or enclosed structures.
 - (4) Landscaped open spaces or open areas left in their natural state should be provided at a ratio of not less than 1,000 square feet of open space for every dwelling unit.
 - (5) A buffer strip of adequate width should be provided, where appropriate, between residential and nonresidential areas and between residential areas and state and county roads. Said buffer strip may be created by utilizing suitably landscaped green areas, by

design, configuration and location of particular buildings, or by an other method meeting the approval of the Commission. No parking shall be permitted as a buffer area.

- (6) Where feasible, natural features such as streams, rocks, outcrops, topsoil, trees and shrubs shall be preserved and incorporated in the landscape of the development.
 - (7) To improve the quality of the environment and to reduce inconvenience during bad weather, the underground installation of electrical and telephone equipment shall be required where feasible.
- I. Construction time limitations. If, after the passage of 24 months from the date of approval of said project, construction has not substantially commenced, the approval may be revoked by vote of the Commission.
- J. Staging:
- (1) It is anticipated that the developer will stage development within this District, and said developer may submit in detail those stages he/she wishes to develop for site plan approval in accordance with a staging plan. Such plan must be submitted and approved for each stage of development, in accordance with the procedures established within this chapter.
 - (2) The developers shall present annually to the Commission a master plan showing existing development and the projected development for the succeeding three years, together with an analysis of the long-term projected conformance with land use ratios and the other requirements of this chapter.
 - (3) At no time in the development of this District shall the ratio of nonresidential to residential development be unnecessarily excessive.
- K. Petition for revision of approved plan. At any time following approval of site plans, including the issuance of permits for any part thereof, the applicant may petition for review in detail the previously approved plan, stating his/her reasons therefor. Such reasons may be based upon such considerations as, but shall not be limited to, changing social or economic conditions, suggested improvement to layout or design features, or unforeseen difficulties or advantages such as site conditions, state or federal projects, or statutory changes, which may mutually affect the interest of the applicant and the City wherein the property is located. The Commission, upon finding that such petition and reasons are reasonable and valid, and provided that such revisions do not alter the concept of the plan as previously approved, may reconsider the design of all or a portion of the site plan.
- L. Improvements or performance guarantees. As a condition of final approval of site plans, the Commission may require the applicant to install all site improvements or to post adequate

performance guarantees to ensure the installation of said improvements in an amount sufficient to cover the cost of all such improvements. Said performance guarantee may be in the form of a performance bond, which shall be issued by a bonding surety company approved by the City, or certified check, and should include an agreed upon date for the completion of such improvements and should be for a period of time determined by the Commission. The amount of the performance guarantee may be reduced by the Commission when portions of the required improvements have been completed. If no such bond or performance guarantee is posted, the approval or application shall be a nullity.

M. Procedure. The procedure for approvals of developments within this Zone district vary from standard practice to enable all parties to understand from the beginning of the process the overall dimensions and impact of the proposed project.

- (1) Submission of a planned development concept plan to the Department of Planning and Community Development.
- (2) Determination by planning staff as to SEQRA status.
- (3) Meeting between developer and appropriate City staff to review and discuss concept plan.
- (4) Submit concept plan to the Commission for initial review and comment. If the project also constitutes a subdivision, the developer is encouraged to submit plans for preliminary subdivision review simultaneously.
- (5) Upon completion of required SEQRA, if necessary, the Commission shall consider the concept plan (preliminary subdivision) and conduct a nonbinding vote to provide the developer with directions for preparing final submission.
- (6) Site plan and final subdivision reviews are begun as per this chapter and Chapter 71, Planning Commission, of this Code.

N. Concept plan:

- (1) The concept plan is intended to provide all bodies and individuals responsible for review and approval of the project with a comprehensive view of the potential impact of the entire property in question fully built out.
- (2) Elements:
 - (a) Site location:

[1] Within the immediately adjacent area; and

[2] Within the City as a whole.

(b) Proposed housing mix:

[1] Type;

[2] Density;

[3] Units by type; and

[4] Design.

(c) Areas set aside for parking and proposed number of spaces by housing type and proposed total number of parking spaces.

(d) Access/egress points.

(e) Initial circulation patterns.

(f) Designated open space by location and acres.

(g) Designated buffer area.

(h) Staging.

O. Signs: See § 285-108.

§ 285-58. B-1 Neighborhood Commercial.

A. Philosophy. This District is designed to enable the continuation and new development of low-intensity retail and professional land uses that meet the daily needs of an adjacent residential neighborhood. All uses, except for parking and unloading, must be conducted within the principal building.

B. Allowed uses:

(1) Restaurants with seating that can accommodate no more than 25 customers at one time.

(2) Professional offices for no more than two practicing professionals per principal structure.

(3) Child-care facilities.

(4) Tailor shops, shoe sales and repair shops, barber shops, beauty shops, photographic studios, laundromats, florist shops.

- (5) Grocery stores, pharmacies, bakeries.
- (6) Business offices for no more than three employees.
- (7) Residences above the first floor in the principal structure on the lot.

C. Special permit uses:

- (1) Restaurants with seating for more than 25 customers at one time or requiring a lot larger than 8,000 square feet in area.
- (2) Taverns.
- (3) Membership clubs.
- (4) Funeral parlors.
- (5) Bed-and-breakfasts.
- (6) Enlargement of nonconforming uses.
- (7) Residences below the second floor of the principal structure on the lot.

D. Lot characteristics:

- (1) Maximum (note: maximum) lot area: 12,000 square feet.
- (2) Minimum lot width at front building line: 25 feet.
- (3) Minimum setbacks:
 - (a) Front: 10 feet.
 - (b) Rear: 40 feet.
 - (c) Side(s): 10 feet total of both sides.
- (4) Maximum lot coverage: 50%.
- (5) Maximum density: Not applicable.

E. Maximum building height: 40 feet.

F. Off-street parking: See parking schedule, § 285-91. All residences use schedule for R-4 Zone.

§ 285-59. B-2 Community Commercial.

A. Philosophy. This District is designed to accommodate those commercial users which predominantly serve a market broader than an individual neighborhood and by their nature must be primarily accessed by automobile. The intensity and nature of these uses are such that they are the predominant land uses and make them inappropriate in residential districts.

B. Allowed uses:

(1) All uses allowed in the B-1 Zone with the following additions:

- (a) Restaurants with seating that can accommodate no more than 50 customers at one time; and
- (b) Professional offices for no more than 10 professionals, conducting business collectively or individually and not employing more than 1.25 persons each.

(2) Retail home furnishings stores.

(3) Liquor stores, video rental stores, sporting goods stores, auto supply stores, clothing stores, hobby shops.

(4) Branch banks.

(5) Health-related facilities, nonintensive.

(6) Business offices for no more than 10 employees.

(7) Studio.

C. Special permit uses:

(1) Uses requiring a special permit in a B-1 Zone.

(2) Gasoline filling stations and auto service stations.

(3) Enlargement of nonconforming uses.

(4) Community residential facilities.

D. Lot characteristics:

(1) Maximum (note: maximum) lot area: 20,000 square feet.

(2) Minimum lot width at front of building line: 40 feet.

(3) Minimum setbacks:

- (a) Front: 10 feet.
- (b) Rear: 40 feet.
- (c) Side(s): 10 feet total of both sides.
- (4) Maximum lot coverage: 60%.
- (5) Maximum density: Not applicable.
- E. Maximum building height: 40 feet.
- F. Off-street parking: See parking schedule, § 285-91. All residences use schedule for R-4 Zone.

§ 285-60. B-3 Shopping Center Commercial.

- A. Philosophy. This District is designed to accommodate nodes of commercial activity that draw from a market area predominantly outside surrounding groups of neighborhoods. At least one enterprise within such a node must have a floor area of at least 10,000 square feet.
- B. Allowed uses:
 - (1) All uses allowed in the B-2 Zone with the following additions:
 - (a) Restaurants, taverns and nightclubs, without regard to seating capacity; and
 - (b) Professional and business offices without regard to number of professionals and employees.
 - (2) Indoor theaters.
 - (3) Department stores, catalog sales stores.
 - (4) Indoor commercial recreation facilities.
 - (5) Factory outlets without on-site manufacturing.
 - (6) Vocational and trade schools.
- C. Special permit uses:
 - (1) Uses requiring a special permit in the B-2 Zone with the exception of bed-and-breakfasts;
 - (2) Freestanding branch banks; and

- (3) Expansion of nonconforming uses.

D. Lot characteristics:

- (1) Minimum lot area: 25,000 square feet.
- (2) Minimum lot width along property line and at front building line: 150 feet.
- (3) Minimum setbacks:
 - (a) Front: 100 feet.
 - (b) Rear: 50 feet.
 - (c) Side: 50 feet each side.
- (4) Maximum lot coverage: 35%.
- (5) Minimum buffer treatment: A continuous two-row, living evergreen hedge at least six feet in height shall be planted parallel to and within 20 feet from any B-3 use or any improved B-3 district property line or boundary line that abuts a residential use property line or a residential district boundary. This requirement is a minimum and may be augmented by the Planning Commission. If such a buffer is not maintained in a living condition, the Director may rescind the certificates of occupancy for all uses within a noncompliant shopping center unit. The only relief from this requirement will be a written request by any adjacent residential property owner that such a border not be placed along that individual owner's property line. (See § 285-72.)

E. Maximum building height: 40 feet.

F. Off-street parking: See parking schedule, § 285-91.

§ 285-61. B-4 Central Commercial.

This District is designed to encompass the City's Central Business District. As such, this District is designed to encourage a wide variety of mixed land uses, including but not necessarily limited to commercial, professional office, entertainment service, medium- to high-density housing and governmental activities.

A. Allowed uses:

- (1) All uses allowed in the B-3 Zone.
- (2) Hotels, motels.

- (3) Financial institutions.
- (4) All residential uses allowed in the R-5 Zone.
- (5) Commercial and academic research and development facilities.
- (6) Transportation terminals; taxi stands.
- (7) Off-street parking lots and garages.
- (8) Broadcast and telecommunications facilities.
- (9) Printing and publishing establishments.
- (10) Assembly and packaging operations of precision instruments, electronic instruments, confections and novelties.
- (11) Health-related facilities, nonintensive.
- (12) Libraries.

B. Special permit uses:

- (1) Uses requiring a special permit in the B-3 Zone.
- (2) Churches.
- (3) College and university facilities exclusive of fraternities and sororities.
- (4) Banquet facilities.
- (5) Car washes.
- (6) Warehousing and trucking terminals.

C. Lot characteristics:

- (1) Minimum lot area: None.
- (2) Minimum lot width: None.
- (3) Minimum setbacks:
 - (a) Front: None.
 - (b) Rear: 20 feet (unless interior loading space is provided).

- (c) Sides: None.
- (4) Maximum lot coverage: 80%; unless interior loading space is provided, then 100%.
- (5) Maximum density:
 - (a) High-rise residential: 120 units per acre.
 - (b) Medium-rise residential: 80 units per acre.
 - (c) Other uses: None.
- D. Building height:
 - (1) High-rise residential: 150 feet.
 - (2) Other uses: 80 feet.
- E. Off-street parking: None required.
- F. Off-street loading: See §§ 285-83 and 285-84.
- G. Existing structures with change of use, substantial rehabilitation or addition: Access to an existing or proposed private or public alley must be provided at street level. Such accessway shall be of sufficient size to permit orderly, rapid and efficient movement of merchandise being loaded or unloaded.

§ 285-62. B-5 Highway Commercial.

- A. Philosophy. This District is designed to accommodate a heavy concentration of retail/wholesale trade, warehousing and assemblage uses which require ease of access to major transportation routes.
- B. Allowed uses:
 - (1) All uses allowed in the B-3 Zone.
 - (2) Hotels, motels.
 - (3) Commercial and academic research and development facilities.
 - (4) Transportation terminals, taxi stands.
 - (5) Printing and publishing establishments.

- (6) Assembly, packaging, storage and distribution of products and equipment.
- (7) Telecommunications facilities.
- (8) Public utilities.
- (9) Health-related facilities, nonintensive and intensive.
- (10) Banquet facilities.
- (11) Fraternities and sororities.
- (12) Auto body shops.
- (13) Repair, storage and sales of heavy equipment, automobiles, building materials, monuments.
- (14) Light manufacturing uses, including precision instruments and electronics.
- (15) Wholesale sales.
- (16) Membership clubs.
- (17) Off-street parking lots as principal use.

C. Special permit uses:

- (1) Uses requiring a special permit in the B-4 Zone with the exception of banquet facilities.
- (2) Dairy processing and distribution centers.
- (3) Breweries and distilleries.
- (4) Expansion of nonconforming uses.

D. Lot characteristics:

- (1) All uses except fraternities and sororities:
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum building length: 80 feet.
 - (d) Minimum setbacks:

- [1] Front: 10 feet.
 - [2] Rear: 40 feet.
 - [3] Sides: 10 feet total.
 - (e) Maximum lot coverage: 60%.
 - (f) Maximum density: Not applicable.
 - (g) Maximum building height: 35 feet.
 - (h) Off-street parking: See parking schedule, § 285-91.
 - (i) Off-street loading: See §§ 285-83 and 285-84.
 - (j) Minimum green space and screening per the following: At least 15% of any nonresidential property in this Zone shall be maintained as green space and shall at a minimum be planted with grass seed and maintained on a continuing basis. Adjacent to a residential zone, this shall be either a solid fence at least five feet high or continuous evergreen shrubbery at least three feet in width and at least four feet high along said property line.
- (2) Fraternities and sororities:
- (a) Minimum lot area: 8,000 square feet.
 - (b) Minimum lot width: 70 feet.
 - (c) Minimum setbacks:
 - [1] Front: 25 feet.
 - [2] Rear: 20 feet.
 - [3] Side: 10 feet each side.
 - (d) Maximum lot coverage: 60%.
 - (e) Minimum green space: 10%.
 - (f) Building height: 40 feet.
 - (g) Off-street parking: See parking schedule, § 285-91.

§ 285-63. BP Business Park.

- A. Philosophy. This District is designed to encourage the development of small- to medium-sized environmentally clean light industrial and office facilities within a fully planned suburban business park setting. The intent of this District is to foster a creative and efficient use of land resulting in small networks of streets and utilities, a single access/egress to the main highway system, the preservation of existing natural resources, and a pattern of development which is buffered from adjacent residential uses.
- B. Allowed uses:
- (1) Assemblage and manufacturing of microelectronics, electronic instruments, precision tools and instruments, office equipment and business machines.
 - (2) Commercial research and development facilities.
 - (3) Business and professional offices.
 - (4) Financial institutions.
 - (5) Telecommunications facilities.
 - (6) Service and repair of business, electronic and precision instruments.
 - (7) Parking structures, as part of another allowed or special permit use.
- C. Special permit uses:
- (1) General merchandise store under 3,500 square feet ,as part of an office building.
 - (2) Commercial recreation facility, as part of an office building.
 - (3) Restaurant under 3,000 square feet, as part of an office building.
- D. Lot characteristics:
- (1) Minimum lot area: two acres.
 - (2) Minimum lot width: 50 feet at front property line.
 - (3) Minimum setbacks:
 - (a) Front: 50 feet.
 - (b) Rear: 50 feet.

- (c) Sides: 75 feet total; minimum one side: 25 feet.
- (4) Maximum lot coverage: 50%.
- (5) Maximum density: none.
- E. Building height: 65 feet, plus mechanicals.
- F. Off-street parking and loading. See Article VI of this chapter.
- G. Buffer area. Adjacent to residential districts, a minimum of 50 feet of natural vegetation at least five feet high must be provided and maintained, In addition, all structures and parking lots must meet the requirements of § 285-72.
- H. Green space. A minimum 25% of lot area shall contain living vegetation.

§ 285-64. IND Industrial.

- A. Philosophy. This District is designed to provide for the retention and expansion of existing industrial facilities and to promote the development of new industries in a fashion that is nonintrusive and, where possible, complementary in relation to adjacent residential neighborhoods.
- B. Allowed uses:
 - (1) Uses allowed in the B-5 Zone.
 - (2) Construction industry uses, including but not limited to contractors and special trade builders.
 - (3) Heavy industrial and manufacturing uses, including:
 - (a) Textile mill products manufacturing.
 - (b) Paper and allied products manufacturing.
 - (c) Chemical and allied products manufacturing.
 - (d) Petroleum refining and related industry.
 - (e) Rubber and plastic products manufacturing.
 - (f) Leather and leather products manufacturing.
 - (g) Stone, glass, clay, concrete, and asphalt base protective coatings products

manufacturing.

- (h) Primary metal manufacturing.
- (i) Fabricated metal products manufacturing.
- (j) Manufacture and assemblage of transporting, farming, gardening implements and related industry.
- (k) Agri-business, including but not limited to grain milling and storage, breweries, distilleries, and meat processing, packing and distribution facilities.
- (l) Paint manufacturing industries.
- (m) All other manufacturing uses not included above.

C. Special permit uses:

- (1) Membership clubs.
- (2) Bulk fuel storage.
- (3) Expansion of nonconforming uses.

D. Lot characteristics:

- (1) Minimum lot area:
 - (a) Allowed and special permit uses: No minimum.
 - (b) Residential: Same as R-2 Zone.
- (2) Minimum lot width at front of building line:
 - (a) Allowed and special permit uses: No minimum.
 - (b) Auto service stations and gasoline filling stations: 100 feet.
 - (c) Residential: Same as R-2 Zone.
- (3) Minimum setbacks:
 - (a) Allowed and special permit uses:

- [1] Front-rear combined: 45 feet with one no less than 10 feet; except, adjacent to riverfront: thirty-five-foot minimum.

[2] Side: 10 feet each.

(4) Maximum lot coverage: 65%.

(5) Maximum density:

(a) Allowed and special permit uses: No maximum.

(b) Residential: Same as R-2 Zone.

E. Maximum building height: 60 feet.

F. Off-street parking: See parking schedule, § 285-91.

G. Off-street loading: See §§ 285-83 and 285-84.

H. Minimum green space and screening. At least 15% of any nonresidential property in this Zone shall be maintained as green space and shall at a minimum be planted with grass seed and maintained on a continuing basis. Adjacent to a residential zone, there shall be either a solid fence at least five feet high or continuous evergreen shrubbery at least three feet in width and at least four feet high along said property line.

§ 285-65. CON Conservation.

A. Philosophy. This District is designed to ensure the continued protection of environmentally sensitive areas from intrusion by all but the lowest impact land uses.

B. Allowed uses:

(1) Parks and other publicly owned recreation facilities.

(2) Cemeteries and accessory structures.

(3) Public utilities.

(4) Community gardens.

(5) Wetlands and streams.

(6) Telecommunications facilities.

C. Special permit uses:

(1) Expansion of existing residential uses by no more than a total of 25%.

(2) Commercial uses incidental to and on site in parks and other publicly owned recreational

facilities.

- (3) Expansion of nonconforming uses.

D. Lot characteristics, structures:

- (1) Minimum lot area: None.
- (2) Minimum lot width: None.
- (3) Minimum setbacks, structures:
 - (a) Front: 30 feet.
 - (b) Rear: 30 feet.
 - (c) Sides: 15 feet each.
- (4) Maximum lot coverage, structures: 25%.
- (5) Maximum density, structures: None.
- (6) Building height: 30 feet.
- (7) Building height, telecommunications facilities: 60 feet.

- E. Off-street parking and loading: None required except in the case of the expansion of nonconforming uses. (See § 285-91.)

- F. Lot characteristics, open spaces: None.

§ 285-66. INST Institutional. [Amended 1-5-1989; 5-4-1989; 10-4-1990; 8-1-1991]

- A. Philosophy: This District is designed to ensure the orderly continued development of health-related, educational and community services agencies in a fashion which is least intrusive upon and most complementary toward adjacent existing neighborhoods.
- B. Allowed uses:
- (1) Health-related facilities, intensive.
 - (2) Health-related facilities, nonintensive.
 - (3) Colleges and universities.

- (4) Nonpublic elementary and secondary schools.
- (5) Libraries.
- (6) Not-for-profit cultural institutions.
- (7) Churches.
- (8) Telecommunications facilities.
- (9) Residential uses allowed in the R-4 Zone.
- (10) Fraternities and sororities.
- (11) Congregate living facilities.
- (12) Dormitories.
- (13) Community gardens.
- (14) Uses accessory to allowed uses.

C. Special permit uses:

- (1) Professional office buildings, non-health-related.
- (2) Independent research and development facilities.
- (3) Expansion of nonconforming uses.

D. Lot characteristics, adjacent to rear lot lines of residential districts:

- (1) Minimum lot area: 8,000 square feet.
- (2) Minimum lot width: 70 feet at front property line.
- (3) Minimum setbacks (applicant must designate that area adjacent to the rear lot line of the residential district as rear line):
 - (a) Front: 30 feet.
 - (b) Rear: 90 feet.
 - (c) Sides: 10 feet each.
- (4) Maximum lot coverage: 50%.

- (5) Maximum density: None.
- E. Building height: 50 feet.
- F. Off-street parking: See §§ 285-88 through 285-91.
- G. Buffer area: See § 285-72.
- H. Lot characteristics; adjacent to residential districts along a City right-of-way:
 - (1) Minimum lot area: 8,000 square feet.
 - (2) Minimum lot width: 70 feet at front property line.
 - (3) Minimum setbacks:
 - (a) Front: 40 feet.
 - (b) Rear: 20 feet.
 - (c) Sides: 10 feet each.
 - (4) Maximum lot coverage: 50%.
 - (5) Maximum density: None.
- I. Building height: 50 feet.
- J. Off-street parking: See parking schedule, §§ 285-88 and 285-91.
- K. Buffer area: See § 285-72.
- L. Lot characteristics, district interior: (Lots commencing at least 300 feet from an adjacent residential district.) All uses except residential and off-street parking lots:
 - (1) Minimum lot area: None.
 - (2) Minimum lot width: None.
 - (3) Minimum setbacks (from adjacent structures):
 - (a) Front: 20 feet.
 - (b) Rear: 20 feet.
 - (c) Sides: 10 feet each side.

(4) Maximum lot coverage: 90%.

(5) Maximum density: None.

M. Building height: 150 feet.

N. Off-street parking: See parking schedule, §§ 285-88 and 285-91.

O. Lot characteristics, district interior-residential:

(1) Minimum lot area:

(a) Dormitories: 10,000 square feet.

(b) Fraternities and sororities: 8,000 square feet.

(c) Community residential facilities: 8,000 square feet.

(d) Congregate living facilities: 8,000 square feet.

(e) All others: Same as R-4 district.

(2) Minimum lot width:

(a) Dormitories: 100 feet.

(b) Fraternities and sororities: 70 feet.

(c) Community residential facilities: 70 feet.

(d) Congregate living facilities: 70 feet.

(e) All others: Same as R-4 district.

(3) Minimum setbacks:

(a) Dormitories:

[1] Front: 20 feet.

[2] Rear: 20 feet.

[3] Side: 10 each side.

(b) Fraternities, sororities, community residential facilities, congregate living facilities:

[1] Front: 25 feet.

[2] Rear: 20 feet.

[3] Side: 10 each side.

(c) All others: Same as R-4 district.

(4) Maximum lot coverage:

(a) Dormitories: 80%; minimum green space, 10%.

(b) Fraternities, sororities, community residential facilities, congregate living facilities: 60%; minimum green space, 10%.

(c) All others: Same as R-4 district.

P. Building height:

(1) Dormitories: 70 feet.

(2) Fraternities, sororities, community residential facilities, congregate living facilities: 40 feet.

(3) All others except multifamily, medium-density residences: same as R-4.

(4) Multifamily medium-size residences: 70 feet.

Q. Off-street parking: See parking schedule, §§ 285-88 and 285-91.

§ 285-67. Supplementary district regulations; nonconforming uses, lots and buildings.

In order to foster the realization of the orderly, safe, land use plan engendered by this chapter, no legal, nonconforming use, lot or building may be reestablished, repaired, maintained, improved, enlarged or changed, respectively, except as herein provided.

A. Change of use. A nonconforming use may be changed to another nonconforming use or it may be modified in a substantial way (such as increasing the services or products offered), subject to the terms of § 285-68 and after the Zoning Board of Appeals determines in public hearing that the proposed nonconforming use or modification is no less appropriate to the character of the neighborhood and zone district in which it is to be located.

B. Reestablishment. No nonconforming use may be reestablished after it has been discontinued, abandoned, or has otherwise ceased for a period of one year or more.

C. Restoration or repair.

- (1) In the event that a nonconforming building, or a building housing a nonconforming use, is damaged (in any way) to the extent equal to 40% or less of the prevailing assessed value of the building, then the nonconformance may be restored only to the condition immediately prior to damage. If, however, damage is of an extent greater than 40% of the assessed value of the building, then restoration shall be brought as much into conformity with this chapter as is possible, as determined by the Director.
 - (2) Approval to restore such nonconformance when damage has been greater than 40% of the assessed value shall be the prerogative of the Planning Commission, after review in public hearing of the restoration plan. Restoration activities shall be commenced within one year of the date of damage. The nonconforming use shall be considered discontinued, abandoned or ceased if an application for a work permit is not filed within one year of the damage date.
- D. Enlargement. No conforming use may be enlarged more than 10% of its existing floor area when in a building or 15% of its existing area for outdoor nonconforming uses. The enlargement of a nonconforming use requires a special use permit in all zones except R-1 and P, in which no nonconforming use enlargements shall be allowed. Under no circumstances shall more than one enlargement be allowed per property for a five-year period, commencing from the date of application for the initial enlargement.
- E. Improvement. Terms of § 285-68 shall be understood to apply to nondamage, non-code-corrective, nonsafety improvements undertaken after the effective date of this chapter.
- F. Nonconforming lot.
- (1) Where a nonconforming lot exists as a separate entity at the time of passage of this chapter, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted:
 - (a) If the lot is located in the R-1, R-2 or R-3 district, a single-family dwelling may be constructed on it as a permitted use, provided that the lot is in at least 70% compliance with each of the following requirements for the single-family dwelling, as specified in the district in which the lot is located: lot area, lot width and rear yard. The maximum lot coverage may be increased by 30%. Such dwelling shall not be more than 30 feet high.
 - (b) If the lot is located in any other district, then a structure not exceeding two stories in height or 30 feet in height may be constructed on it, for a use permitted in the district in which it is located, provided that the off-street parking and loading requirements of this chapter shall be complied with and that the front, side and rear yards are in

keeping with the surrounding area; except that a side yard of at least 10 feet shall be required whenever such a use abuts an existing residential use or a residential district.

- (c) When the owner of such a lot owns one or more other lots contiguous thereto, such other lot(s), or so much thereof as may be necessary, shall be combined with the first named lot to make one or more conforming lots, whereupon a permit may be issued, but only for such combined lots. If he/she does own contiguous property, a permit may not be issued until the lot shall have been made conforming.
- (2) Where the required area or dimensions of lots are changed by an amendment to this chapter, any legal lot existing at that date and made nonconforming by such amendment may be built upon within the limits of the conditions mentioned above in this subsection.
- G. Structure removal. Any nonconforming building, or any building in which a nonconforming use is conducted, shall upon its demolition lose all of its nonconforming protection. No nonconforming structure shall thereafter be permitted to be constructed, nor shall any nonconforming use be established.
- H. Safety. Nothing in this section shall be deemed to prevent the strengthening of any building or the restoration or altering to a safe condition of any building or part thereof declared to be unsafe by the Director.

§ 285-68. Provision for adding uses to districts.

A use may be added to a district by the City Council after recommendation by the Planning Commission. Such recommendation shall be made after a Planning Commission public hearing on the addition.

§ 285-69. Storage of boats, campers, trailers and recreational vehicles. [Amended 5-3-1990; 6-7-1990]

In no case shall boats, campers, trailers, or other recreational vehicles be stored in driveways or on lawns in front of the front building line in the R-1 and R-2 Zones. Repairs and normal maintenance to such boats, campers, trailers and other recreational vehicles must take place behind the rear building line in the R-1 and R-2 Zones.

ARTICLE V, Supplementary Regulations

§ 285-70. Yard and open spaces; projections and extensions; lack of utilities; accessory buildings; exceptions.

- A. Yard and open space for every building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building on the lot or on any other lot.
- B. Subdivision of a lot. Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith; and no permit shall be issued for the establishment of a land use or erection of a building on the new lot thus created unless it complies with all the provisions of this chapter.
- C. Irregularly shaped lots. Where a question exists as to the proper application of any of the requirements of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Zoning Board of Appeals shall determine how the requirements shall be applied, after written request by the Director.
- D. New buildings on lots less than the minimum area. A permit may be issued for the erection of a building for a permitted use on a lot for which a valid conveyance has been recorded prior to the adoption of this chapter, notwithstanding that the area or dimensions of such lot are less than that required for the district in which such lot lies, providing:
 - (1) That all yard setbacks and other requirements which are in effect at the time of the obtaining of the building permit are complied with; and
 - (2) That the owner of such a lot did not own other lots contiguous thereto at the time of the adoption of this chapter. If he/she did (and still does), such other lot, or so much thereof as may be necessary, shall be combined with the first named lot to make one or more conforming lots, whereupon a permit may be issued, but only for such combined lots. If he/she does own contiguous property, a permit may not be issued until the lot shall have been made contiguous. Where the required area or dimensions of lots are changed by an amendment to this chapter, any legal lot existing at that date and made nonconforming by such amendment may be built upon within the limits of the two conditions mentioned

above.

- E. Front yard extension. When an unimproved lot is situated between two improved lots, each having a principal building within 20 feet of the side line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots.
- F. Lots without public water or sewer facilities. No building permit shall be issued for any use on a lot which is not served by both public water and a public sanitary sewer system, if the Director deems them necessary for such use, unless such deficiency is allowed by both the Rensselaer County Health Department and the Mayor.
- G. Projections about height limits. The height limitations of this chapter shall not apply to projections of buildings which are usually carried above the roof level, such as flagpoles, church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads or similar features, radio and television antennas for the use of residents of dwellings in apartments, and necessary mechanical appurtenances. Such projections, however, shall be erected only to a height necessary to accomplish the purpose they are intended to serve but in no case more than 15 feet above the projection's lowest point of contact with the roof. The total area covered by such features shall not exceed in cross-sectional area 15% of the area of the section of roof upon which they are located. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls of material and design in harmony with the main walls of the building on which they are located.
- H. Required street frontage. No permit shall be issued for any land use or structure unless the lot upon which such land use is to be established or structure is to be built has the required frontage on a street or alley as defined herein, which street or alley frontage provides the actual access to such land use or structure, and which street or alley shall have been suitably improved or a performance bond posted therefor, as provided by applicable provisions of law.
- I. Yards, yard improvements, building projections and setbacks.
 - (1) Terraces (porch, open). A terrace shall not be considered in the determination of lot coverage or yard requirements, except as otherwise specified in this chapter; provided, however, that such terrace is without roof, awnings, screens, walls, parapets or other forms of enclosure and is not more than three feet above the level of the floor of the ground story. Such terrace, however, may have a guard railing, wall or fence, none of which shall exceed four feet in height.
 - (2) Porches (roofed). No porch may project into any required yard, except as otherwise

specified in this chapter. Any two-story porch shall be considered a part of the building in determining setback distances.

- (3) Projecting architectural features. Architectural features such as windowsills, belt courses, chimneys, cornices, eaves or bay windows may project not more than three feet into any required yard. The sum of any bay window projections on any wall shall not exceed one-fourth the length of said wall.

J. Accessory buildings and uses. All accessory buildings shall conform with the minimum yard regulations established in Article IV of this chapter, except as permitted below:

- (1) Unattached, accessory to residential buildings. Buildings accessory to residential buildings and which are not attached to any main building shall be no higher than 16 feet from the adjacent ground surface to the highest point of the roof, if newly constructed. Existing unattached accessory buildings that are higher than 16 feet on the effective date of this chapter shall not be made higher. Unattached accessory buildings may be erected in the required rear and side setback areas of the principal structure provided that:
 - (a) A minimum distance of 12 feet be maintained between the principal building and the accessory building.
 - (b) A minimum side and rear accessory setback equal to one-quarter of the accessory building height be maintained in all zones except the R-1 Zone district. In no case may this setback be less than three feet.
 - (c) Minimum side and rear accessory setback of five feet be maintained in the R-1 Zone district.
- (2) Unattached, accessory to nonresidential buildings. Buildings accessory to nonresidential buildings shall meet the required side yard setbacks for the main building on the same lot. The required distance from the main building and from the rear lot line shall be one-fourth the height of the accessory building. No such accessory building shall exceed the main building height and in no case shall exceed 30 feet in height, and location in the front yard is not allowed unless an area variance is granted by the Zoning Board of Appeals

§ 285-71. Unique lots and building situations.

- A. Two or more buildings on a lot. Two or more main buildings located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building if each were on a separate lot.

- B. Through lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street, the postal address street will be considered as the front street. No main building shall be erected on the rear of the lot except as specified in this article.
- C. Lots fronting on an alley. Individual lots, existing on the effective date of this chapter, fronting on an alley, shall comply with all the requirements of this chapter and the district in which said lots are located.
- D. Side yard of a corner lot. The side yard of a corner lot which abuts on a street shall be equal to at least one-half the required front yard for that street.

§ 285-72. Buffer areas.

Whenever a buffer strip is required by this chapter, it shall meet the following standards:

- A. Be at least five feet in width along any lot line abutting a residential lot in a residence district or three feet width in all other cases.
- B. Be of fencing or evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Planning Commission, will screen the activities on a lot from the adjoining areas.
- C. The plan and specifications for such planting shall be filed with and be part of the approved plan for the use of the lot.
- D. Required planting shall be properly maintained throughout the continuance of the use on the lot.
- E. A wall or fence, of location, height and design approved by the Planning Commission for additional screening, may be permitted by the Planning Commission in addition to or substituted for the required planting.
- F. Additional standards for specific zone districts as required in Article IV.

§ 285-73. Visibility at intersections.

On any corner lot in a district, no building, fence, wall, hedge, or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting curblines and a straight line joining said curblines at points which are 30 feet distant from their point of intersection, measured along said curblines. The height of three feet shall be measured above the road surface at the nearest edge of the pavement. This section shall

not apply to existing trees, provided that no branches are located closer than six feet to the ground.

§ 285-74. Auto service stations.

An auto service station shall be subject to the following additional standards:

- A. The lot upon which it is located shall have a width of at least 100 feet fronting on a public street and an area of at least 10,000 square feet.
- B. No new or used motor vehicles shall be sold or exhibited for sale on any part of the lot.
- C. No motor vehicles left for service shall be left on the lot for a period exceeding 30 days.
- D. No business not incidental to the normal conduct of an auto service station shall be permitted on the same lot.

§ 285-75. Auto sales and rental lots.

The sales or rental of cars and other motor vehicles shall be subject to the following standards:

- A. The lot upon which the use is located shall have a width of at least 100 feet fronting on a public street and an area of at least 10,000 square feet.
- B. No vehicles which are junked or wrecked, or being disassembled, shall be parked or stored on the lot for a period in excess of 30 days. These vehicles shall not be visible from the street or ground level from nearby uses.
- C. Business not incidental to the normal conduct of this use shall not be conducted on lot, except the associated service and repair of said vehicles.
- D. Strings of lights or pennants shall not be used, hung, suspended or erected on any auto sales lot.

§ 285-76. Fences and walls.

Unless specifically noted, the provisions of this chapter shall not apply to fences and freestanding walls.

- A. Work permit must be obtained for any new or replacement fence or freestanding wall.

- B. Visibility at intersections: See § 285-73.
- C. Fences in B-1, B-2, B-3, B-4, B-5, IND, INST and CON Zones may be erected to a maximum height of 10 feet. No barbed wire shall be permitted in the bottom eight feet of such fences. All fences or walls hereafter erected that are more than eight feet in height shall be reviewed by the Planning Commission and shall be subject to all terms and conditions as required by the Planning Commission.
- D. Fences in zones other than those enumerated in C above may be erected to a maximum height of eight feet except that new fences located between the front property line and the front line of the main building in R-1, R-2 and R-3 districts shall not exceed a height of four feet.
- E. Appearance. Fences shall be constructed of materials that are new or in good used condition and shall be maintained in a structurally sound and safe condition, in a plumb upright position, and free from excessive rust, peeling or faded coatings and damaged or deteriorated components. Materials or assemblies clearly not intended for use as fencing shall not be utilized.

§ 285-77. Private outdoor swimming pools.

A single private outdoor swimming pool per property is permitted as an accessory use provided:

- A. That the pool is not a commercial enterprise.
- B. That no edge of the pool walls may be closer than eight feet to any property line or main building on the property. No walking surface of any deck or platform that is at or above the water level of an aboveground swimming pool and is within five feet of the pool walls may be closer than five feet to any interior lot lines.
- C. That the pool does not encroach on the front yard of the property, as required in the district.

§ 285-78. Clotheslines.

Clotheslines may not be installed in the front yard within any zoning district.

ARTICLE VI, Off-Street Parking and Loading

§ 285-79. Philosophy.

It is the intention of this article to prescribe such off-street parking and loading standards so as to meet the parking needs of employees and other persons making use of land uses, to minimize traffic conflicts, to minimize impacts on nearby land uses, to relieve congestion of streets and roads and to minimize dependence on private autos for access.

§ 285-80. Applicability.

- A. Existing structures and uses. Structures and uses in existence or for which building permits have been approved at the time of the adoption of this chapter shall not be subject to the parking or loading requirements of this article, provided that any parking and loading facilities then existing to serve such structures or uses shall not in the future be reduced except where they exceed such requirements, in which case, they not be reduced below such requirements. Required parking and loading facilities for the existing portion of such uses shall, however, be provided at the time of any enlargement of such existing structures or uses in the future.
- B. New and expanded uses. The plan for any new building or use or any expansion of an existing building or use, including any new or expanded parking facilities, when submitted for a work permit, shall show the location, size, and type of improvement for the off-street parking or loading space required to fully comply with this chapter and the means of access to such space from the public right-of-way. Except for one- and two-family dwellings, no work permit shall be issued until such plan for parking and loading areas and access to them is approved by the Planning Commission. (See § 285-83A.) The Planning Commission shall determine that traffic access, traffic circulation and general layout of the facility is planned with regard to safety to traffic on the public street and safety and adequacy of access for cars and pedestrians using the parking facility. No certificate of occupancy shall be issued for any building or land use until the required off-street parking and loading space has been established or a variance has been granted therefrom by the Zoning Board of Appeals. New uses shall be deemed to include a change in the occupancy of a dwelling unit from that of a family, as defined in Article II of this chapter.

§ 285-81. Location.

- A. General. Off-street parking facilities, as defined in this chapter, shall be located on the same lot with the principal use to be served by the facility or on an adjacent lot under the same ownership. Such off-street parking facilities may be located in any required front, side or rear

yard on the lot, except as provided in Subsection B.

B. Exception. Except as otherwise required:

- (1) Off-street parking and/or loading facilities shall not be permitted in the front yard of any use in an R-1 or R-2 district unless site plan approval (§ 285-25A) is granted by the Planning Commission. Access by driveway or other means may be permitted in the front yard without review.
- (2) The required off-street parking spaces for two adjoining lots may be provided in a single common facility on one or both of said lots, if satisfactory assurances of continuation of the facility are provided as part of the hearing record during required site plan review.
- (3) All or part of the required off-street parking spaces may be provided for one or two uses on any lot within 300 feet of the use(s) to be served, such distances to be measured as a path which is available for the access of employees/residents and patrons taken from the primary entrance of the principal use(s) to the nearest pedestrian entrance to the parking area, provided that satisfactory assurances of continuation are provided as part of the hearing record during required site plan review. In such cases, a special use permit is also required only if said lot is in an R-3 or R-4 Zone. If a proposal includes the use of another's off-street parking lot, the applicant must produce a written agreement signed by the lot owner. This agreement must contain the length of time the permission is in effect, the exact location of spaces and any consideration paid for the spaces.

§ 285-82. Number of spaces required.

General. The minimum number of off-street parking and/or loading spaces required for any use is listed in §§ 285-52 through 285-66 by zone district and in § 285-91 by use. The Director shall determine the number of spaces required in cases of proposed use or expansions of uses not specifically listed. If his/her determination is challenged, he/she shall immediately request that the Zoning Board of Appeals adjudicate the challenge and indicate the number of spaces to be provided.

§ 285-83. Design of off-street parking and loading areas.

- A. General. All off-street parking and loading facilities required to be provided under this article or proposed on a voluntary basis shall be designed to meet the following minimum standards and requirements. These requirements are intended to assure minimum standards of safety, convenience and appearance of such facilities and the community. The design and layout of

all such facilities shall be approved by the Planning Commission.

- (1) Stalls. Each space for automobile parking shall be a minimum of 162 square feet in area and shall be no less than feet in width and no less than 18 feet in length. An applicant may propose wheel stops constructed of bituminous, concrete, wood, plastic or other durable materials, provided that the stops do not lessen the 18-foot required length of said stall and do not unduly interfere with snow removal or impede drainage.
- (2) Area. Any parking/loading facility constructed pursuant to this chapter shall be of sufficient area that all maneuvers can be made without encroaching into or upon any public right-of-way, walkway or unpaved area within or adjoining the facility.
- (3) Grading. Parking and loading facilities shall be graded to provide adequate drainage (1/8 inch to the foot minimum) and safe movement (one inch to the foot maximum).
- (4) Material. Surfaces of parking facilities and related accessways hereafter constructed shall be of bituminous, concrete or other durable material placed in a manner that avoids dust and provides a smooth parking surface free from mounds and depressions.
- (5) Access. Curb cuts and/or driveway access widths at property lines shall be at least 20 feet but no more than 46 feet wide.
- (6) Marking. Individual parking and loading stalls shall be marked with painted lines (reflective white) four to six inches in width.
- (7) Lighting. All parking facilities and access drives hereafter constructed for use by three or more private vehicles after 5:00 p.m. shall be lighted to maximize user safety and to adequately illuminate movement area. Illumination levels shall meet or exceed the recommended standards established by the Illuminating Engineering Society.
- (8) Division. Parking facilities shall be divided into blocks containing not more than 50 cars each. Division shall be made by dividers with or without walkways, as approved by the Planning Commission.
- (9) Buffers and screening. With the exception of institutional zone district interior lots, a strip of land at least five feet in width shall be provided along the entire perimeter (exclusive of vehicular accessways) of any off-street parking facility constructed for more than five vehicles. (See also § 285-72.) Whenever any such strip abuts or is across a street from a residential use or residential district lot, a solid evergreen hedge or a solid fence at least five feet high shall be provided in the buffer strip. Such height shall be reduced to three feet on any side of the facility that adjoins a principal street and is within 30 feet of the curbline of the street.
- (10) Setbacks. Off-street parking lots shall be considered to have no setback other than that of

Subsection A(9), above.

- (11) Landscaping. With the exception of Institutional Zone District interior lots, any off-street parking facility designed for use by 21 vehicles or more shall provide landscaped areas that cover 5% of the area of the parking facility in addition to the buffer strip of Subsection A(9). No landscaped area thus provided shall be less than 100 square feet in area. One indigenous tree species of two-inch or greater caliper must be provided for each 400 square feet of such landscaped area.
- (12) Snow removal. The applicant must provide information as to the proposed method and location of snow removal and stockpiling.
- (13) Stormwater disposal. The applicant must provide information as to the proposed flow of stormwater and method of collection.

B. Exceptions.

- (1) Any off-street parking facility proposed to be constructed in a location where a structure with a cellar or basement was razed within four years preceding the date of the Planning Commission review of the proposal may be exempt (at the option of the owner or beneficial user of the lot) from the material requirement of Subsection A(4) until the fourth anniversary of the razing. At the discretion of the Planning Commission, the applicant may be required to mechanically compact said lot in accordance with Subsection A(4); and a uniform surface shall be maintained until the paving is completed. All terms of this article shall be met within 60 days of the fourth anniversary in such case, unless varied or granted a temporary permit by the Zoning Board of Appeals. This exception shall not apply to nonresidential uses except for parking areas for employees and retail sales customers.

§ 285-84. Off-street loading facilities.

- A. General facilities shall be provided as required for loading and unloading of trucks on the site of the use served. As a general requirement, all proposals for commercial, industrial and multifamily residential uses which will require servicing by trucks shall detail on the site plan the manner in which such servicing is to be provided, whether off-street provisions are required or not. Generally, where servicing is provided from a public right-of-way, the following principles should be followed:
 - (1) Trucks should be parked for loading and unloading purposes on other than the principal street serving the use; on side streets or alleys, when available.

- (2) Servicing should be provided from other than the principal entrance of the use or uses.
- (3) When not available, effort shall be made to provide interior loading areas or to schedule appropriate loading and delivery times.

B. Loading area dimensions.

- (1) For commercial or industrial uses having up to 10,000 square feet of floor area, an accessible loading area of at least 250 square feet shall be provided.
- (2) For commercial or industrial uses having more than 10,000 square feet of floor area, an accessible loading area of at least 250 square feet shall be provided for the first 10,000 square feet of floor area. Additional loading area shall be provided at a rate of 250 square feet of accessible loading space for each additional 25,000 square feet (or portion thereof) of floor space.

Example: 70,000 square feet:

250 sq. ft. for first 10,000 sq. ft.
+250 sq. ft. for next 25,000 sq. ft.
+250 sq. ft. for next 25,000 sq. ft.
+250 sq. ft. for next part 25,000 sq. ft.

1,000 sq. ft. total accessible loading space required for 70,000 square feet of floor area.

§ 285-85. Maintenance.

Any lot hereafter constructed shall be maintained in good useful condition and in conformance with this article. Any off-street, parking lot not so maintained shall be considered a violation and shall be subject to §§ 285-20 and 285-37. Existing lots, whether or not in conformance with this chapter, shall be maintained in an orderly, clean and safe manner and a good state of repair or shall be considered a violation.

§ 285-86. Parking within the Planned Development Zone.

Due to the traffic-intensive nature of planned residential developments, as defined in § 285-57, additional nonassigned off-street parking is crucial to orderly development within this Zone district. The intent of this section is to provide a total number of spaces to be allocated between assigned and unassigned.

§ 285-87. Parking Schedule for Single-Family Attached or Semi-attached and Multifamily Within the Planned Development District Zone.

Square Feet per Unit	Assigned	Unassigned
700 or less	1.0	-
701 - 800	1.0	0.17
801 - 900	1.0	0.34
901 - 1000	2.0	0.50
1001 - 1300	2.0	0.84
1301 - 1400	2.0	1.18
1401 - 1500	2.0	1.34
Over 1500	2.0	1.50

§ 285-88. Comprehensive parking plan for the Institutional Zone District.

Institutional land uses generate very high volumes of vehicular traffic of all types. Additionally, institutions tend to develop in a very densely concentrated fashion. The net result is continuous vehicular and pedestrian conflict. This necessitates a need for comprehensive planning in relation to off-street parking.

§ 285-89. Filing of comprehensive parking plan.

At the occasion of the first site plan application under this chapter by an Institutional Zone property owner (applicant), said applicant shall file in the office of the City Engineer a comprehensive plan for parking for said institution. Said plan shall have at a minimum the following elements:

- A. A map indicating the location of all off-street parking facilities defined as either district perimeter or district interior and traffic flow both on and off site.
- B. A schedule containing the following:
 - (1) Number of spaces.
 - (2) Distance to most nearby adjacent residential building(s).
 - (3) Buffers, screening, lighting and material.
 - (4) Purpose (proposed uses).

§ 285-90. Updating.

Upon filing subsequent site plans, the applicant shall be required to update both the required map and schedule.

§ 285-91. Schedule of Required Off-Street Parking. [Amended 10-4-1990]

The Schedule of Off-Street Parking shall be as follows:

Land Use	Required Parking Spaces (Where the number of spaces is determined by square footage, said number shall not be pro rated)
Assembly, packaging, storage or distribution facility	1.25 per employee
Auto body shop	1 per 500 sq. ft. lot area
Auto sales, rental, service or gasoline filling station	5 per service bay (minimum of 5)
Banquet facility	1 per 2 seats
Bed-and-breakfast	1 per bed
Boardinghouse	1 per 2 beds
Branch bank	1 per 150 sq. ft. floor area
Broadcasting facility	1.25 per employee
Bulk fuel storage	1.25 per employee
Car wash	1 per employee
Child-care facility	1 per 3 children
Church	1 per 3 seats
College or university	0.5 per full-time equivalent students in addition to fraternity and sorority requirements
Commercial or academic R&D facility	1.25 per employee

Community commercial retail business	1.25 per 300 sq. ft. floor area
Community garden	None required
Congregate living facility	1 per 4 beds
Construction industry facility	1 per employee
Department store/catalog sales	1.50 per 300 sq. ft. floor area
Elementary and secondary school (nonpublic)	1.25 per 4 children
Factory outlet	1.25 per 300 sq. ft. floor area
Financial institution	1.25 per employee
Fraternity/sorority	1.5 per 2 beds
Funeral parlor	10 per viewing room
General merchandise store	1.5 per 300 sq. ft. floor area
Grocery store, pharmacy, bakery	1.25 per 300 sq. ft. floor area
Health-related facility (nonintensive)	5 per professional plus 1 per employee
Health-related facility (intensive)	1.5 per bed or 2 per treatment or diagnostic station, whichever is greater
Hotel, motel	1 per sleeping room
Industry (light manufacturing and assembly/ public utility)	1.25 per employee
Industry (heavy manufacturing and assembly)	1 per employee
Library and not-for-profit cultural facility	1 per 100 sq. ft. floor area
Manufacturing, service and repair of micro- electronics, electronic instruments, precision tools and instruments, business equipment, and business machines	1.25 spaces per employee busiest shift required for parking
Membership club	1.25 per 300 sq. ft. floor area
Mixed use	Total of individual uses
Neighborhood commercial outlet	1 per 200 sq. ft. floor area
Offices, general	3 per 1000 sq. ft. floor area

Offices, professional	5 per professional plus 1 per employee
Print and publishing establishment	1.25 per employee
Recreation facility (commercial/indoor, theater)	1 per 3 seats
Recreation facility (planned development)	1 per 1100 sq. ft. floor area
Repair, storage and sales of heavy equipment, automobiles, building materials	1 per 150 sq. ft. floor area
Restaurant	1 per 2 seats plus 5 per takeout window
Studio and film processing lab	1 per 300 sq. ft. floor area
Tavern (grill, bar, pub)	1.25 spaces per 2 seats (stools)
Transportation terminal and taxi stand	As per Planning Commission
Unrelated persons not constituting a family, per dwelling unit, in addition to Zone requirements	1.25 for each above 2
Vocational and trade school	1 per 2 students
Warehouse (See Assembly, packaging, storage or distribution, above.)	
Wholesale sales	1 per 3,000 sq. ft. floor area

ARTICLE VII, Signs

§ 285-92. Philosophy.

This article is designed to regulate the size, placement and other characteristics of signs in Troy for purpose of:

- A. Promoting quality signs to improve identification and communication in advertising;
- B. Promoting and protecting the public health and safety;
- C. Enabling the public to conveniently and safely identify facilities; and
- D. Enhancing and preserving the value and quality of properties.

§ 285-93. Definitions.

The following terms, as used in this article, shall have the meanings indicated:

ADVERTISING SIGN (also, **OFF-PREMISES SIGNS** and **BILLBOARDS**) -- Signs which advise the viewer of an establishment, service, product, merchandise, entertainment or service which is not manufactured, sold, produced or furnished at the property on which the sign is located.

AMORTIZATION -- The process of reducing the cost of a particular sign/sign structure to zero over a period of time through the application of business income generated by the sign/sign structure.

ATTACHED -- Permanently affixed, fastened, connected, secured or united to a building, base or structure in any manner.

BARE BULB -- Unshielded incandescent, fluorescent or other electrical light bulb but not including neon, argon or other bent-tubing gas bulbs.

BASE -- The lowest part of a sign/sign structure by which it is conceived to be supported. The horizontal location of the base is a plane connecting the perimeter of the base and the ground surface.

BENEFICIAL USER -- A person, company, corporation or firm that is the principal recipient of financial or other benefit(s) that accrue from the display of a sign.

BOTTOM -- The lowest edge, surface or frame of the perimeter of a sign.

BULLETIN BOARD -- A sign display usually associated with churches, schools or other nonprofit entities which advertises a periodic calendar of events scheduled to occur on the same property. Such bulletin boards have copy that is changeable at not less than weekly intervals of time.

BUSINESS -- A pursuit, occupation, trade, profession or calling usually, but not necessarily, operated for gain and conducted by one or more persons, corporations, companies or firms.

BUSINESS IDENTIFICATION SIGN -- A sign which identifies a business conducted at the same property on which the business identification sign is located. A sign is not a business identification sign if it advertises a brand name product such that the brand name covers more than 25% of the surface area of any sign face on the property, unless the brand name is part of the company name of a product manufactured on the site or is the principal product available on the site.

CONSTANT ILLUMINATION -- Artificial illumination of a sign or portion of a sign which illumination does not change in type or intensity or location more than one time in any hour.

CURBLINE -- A more or less horizontal imaginary line that describes the intersection of the plane of the inside face of the curb continued upward and a plane that is parallel to the ground surface and which touches the highest point on the curb. If a street does not have a curb, then the curblin is the extreme edge of any paved portion of the street together with any paved or unpaved shoulder.

DIRECTIONAL SIGN -- An on-premises sign whose function includes, but is not limited to, giving directions or instructions or identifying access points and traffic circulation directions and the like or locating off-street parking areas. Such sign may display a company name and/or logo that is subordinate to the direction given on the directional sign.

DIRECTOR -- Administrative official of the City of Troy who is empowered by law to enforce compliance with this chapter. The Director is also known as the Director of Code Enforcement.

DIRECTORY -- Any sign that contains a list of the names of business establishments located within a shopping center or building.

DISPLAY -- To make apparent to the eye; to exhibit so as to command or attract attention.

ELECTRIFIED -- Having or needing electricity for operation.

EMERGENCY SIGN(S) -- A temporary sign that is used in conjunction with an emergency.

ERECTED -- Having parts assembled and being set upright in the planned position and location.

EXTERNAL ILLUMINATION -- The condition of being illuminated by an artificial light source from outside of the body of a sign.

FACADE -- The front or chief face of a building.

FACE (also FACING) -- That portion of a sign on which the message is found, together with any part of the sign frame that is part of the message; a face may have one or more panels.

FIRST FLOOR -- The lowest story of a building entirely above the level of the ground at the front half of the building.

FLASHES (also FLASHING) -- Artificial illumination of a sign or portion of a sign which illumination changes in type or intensity or location more than one time in any hour.

FLUSH-MOUNTED -- Attached to a wall of a building in such a way that the sign face is parallel to the wall to which it is attached and no part of the sign projects more than nine inches

from the wall.

FOR-SALE SIGN(S) -- Sign(s) which advertise only real property for sale, for rent, for lease, to let, etc.

FREESTANDING SIGN(S) -- Signs which are attached solely to the ground by means of poles or other supports and which are not attached to any building.

GARAGE SALE SIGN(S) -- Temporary signs which advertise the sale of private household goods to the public for a period of time not exceeding seven consecutive calendar days at any one time nor exceeding 10 days per calendar year. (Also yard sale, lawn sale, porch sale, etc.)

GOVERNMENTAL SIGN(S) -- Signs erected and maintained pursuant to and in discharge of any purely governmental function or required by any governmental law, ordinance or regulation (e.g., registered auto repair shop/inspection station). Such governmental signs shall be erected and maintained by the appropriate government agency.

GROUND -- The more or less horizontal surface of the earth at the base of a sign structure. Such surface may be of any natural material or man-made material less than nine inches higher than the average ground elevation within a radius of 10 feet from the outer edges of the sign or sign structure.

HIGHEST POINT -- The point on a sign or sign structure which is higher than any other point on the same sign or sign structure as measured vertically above any point on the adjacent ground.

ILLUMINATE -- To give light to by artificial means or to make visible after sunset (also illuminated, illumination).

INTERNAL ILLUMINATION -- Illumination whose source is completely enclosed by a sign structure.

INSTALL(ED) -- To place into permanent position for display, service or use (also display).

MAINTENANCE -- The act of keeping a sign structure in proper or repaired condition for use; it includes changing copy, painting, repainting, cleaning and parts replacement, including supports, as long as location is unchanged; face(s), as long as size is not increased; or bulbs, as long as the intensity is not increased. It does not include replacement of a sign structure, a change in the type of illumination, a change in the sign face material or more than one of the following in any one calendar year: support replacement and sign face replacement.

MESSAGE -- A written communication or presentation of information on a sign face for the purpose of identifying an establishment, product, merchandise, entertainment or service that is available; includes logos, symbols, emblems, building architectural styles or building painting schemes that are used to identify a particular product, service, establishment, merchandise or

entertainment and that is recognizable as such by the general public.

MOUNTED -- See "attached."

NAMEPLATE -- A nonelectric on-premises identification sign giving only the name, address and/or occupation of a building occupant and/or group of occupants.

NEON SIGN(S) -- Sign(s) which are made of bent and shaped glass tubes and which are filled with neon, argon or helium gas and are electrified with voltages exceeding 2,000 volts; does not include bent and shaped colored glass tubes or fluorescent tubes.

NONCONFORMING SIGN -- Any sign which violates any limit or condition of this chapter (enacted on October 6, 1988) but which was legally installed prior to enactment of these code standards or for which permission was granted by the Troy Zoning Board of Appeals after May 1, 1980; does not include signs erected without a permit.

OFF-PREMISES SIGN(S) -- Sign(s) which direct the public to or identify a facility, business, establishment, product, merchandise, service or entertainment not on the property on which the sign is located (also advertising signs).

ON-PREMISES SIGN(S) -- Sign(s) which direct the public to or identify a facility, business, establishment, product, merchandise, service or entertainment on the same property on which the sign is located (also business identification sign).

OWNER/BENEFICIAL USER -- The person, firm, corporation, or organization which owns the particular sign or is the major recipient of the benefits of the particular sign.

PANEL -- Any portion of a sign face which is bordered on all sides by a sign frame and which contains a message; there may be one or more panels in a face.

PERMANENT SIGN(S) -- Signs which are permanently attached; does not include temporary signs.

PORTABLE SIGN(S) -- Signs which are freestanding, which are usually displayed at or in the sidewalk area and which are periodically (usually daily) moved on the site (also, sandwich boards).

PROJECTING -- Extending outward more than nine inches from the place of attachment to the wall to which it is attached and not swinging loosely, unless under 16 square feet each side.

PROPERTY -- An individual parcel of real property held in single ownership and which is enclosed by property lines that are the only property lines contained in the deed for the parcel.

READABLE -- Legible; able to be read by a person with 20/20 vision.

SIDEWALKS -- A path or pavement that is usually parallel to and alongside a vehicular travel way and which is used for pedestrian travel.

SIGN -- An object used to facilitate the recognition of a facility, business, establishment, product, merchandise, service or entertainment through the use of words, letters, numbers, symbols, logos, emblems, building architectural style, or building color patterns.

SIGN COPY -- See "message."

SIGN FACING (FACE) -- See "face."

SIGN OWNER -- See "owner/beneficial user."

SIGN STRUCTURE -- A sign together with all footings, supports, frames, faces, panels, electrical circuitry and other related materials necessary for the proper display, attachment and functioning of the sign.

SIGN SUPPORTS -- All frames, footings, arms, braces, poles, standards or other structural members that hold a sign in its permanent position for display and to which the sign is connected, either directly or indirectly.

SOLD -- Available, given, offered, exhibited, presented or proffered.

SPACING -- The interval distance between adjacent letters, numbers, characters, figures, emblems, symbols or logos on a sign, as measured in any direction.

STATIONARY -- Fixed; incapable of being moved, rotated, flashed, swung, or animated.

STREET -- A passageway for motorized vehicles (also, road, boulevard, avenue, alley, driveway, drive, court).

STRUCTURAL CHANGE -- Any alteration made to a sign support or sign structure which could affect the integrity of the sign structure.

STYLE -- A particular form of composition, construction or appearance.

SUPPORTS -- See "sign supports."

SUSPENDED -- Hung from a projecting support so as to permit free-swinging movement around one axis only.

TEMPORARY SIGN(S) -- Signs which are attached for a specified period of time for a specified event; does not include portable/sandwich board signs.

TRADE NAME -- A name given by a manufacturer to designate a proprietary article sometimes

having the status of a trademark or of a copyrighted and potential proprietary name.

TRAFFIC-CONTROL SIGN -- A sign owned and maintained by a government agency for the sole purpose of regulating, warning or guiding pedestrian or vehicular traffic.

TRAFFIC-CONTROL SIGNAL -- An active electrified device owned and maintained by a government agency for the sole purpose of controlling vehicular and pedestrian traffic through the display of internally illuminated color-coded shapes, words or symbols.

UNDER-CANOPY SIGN(S) -- Signs which are attached to the underside of a roof overhang or canopy adjacent to an on-premises business and which is intended to be visible from a vehicular way.

VEHICULAR WAY -- A movement or travel space for vehicles; includes streets.

VIOLATION -- A breaking of any term, condition or requirement of this chapter.

WORK PERMIT -- The official authorization of the City of Troy, New York, through the Bureau of Code Enforcement that allows a specified action or activity that is governed by any code, law or ordinance which is administered by the Bureau of Code Enforcement.

§ 285-94. Permit required.

No person, firm or corporation shall hereafter display or maintain any new or altered sign in the City of Troy without a work permit having first been issued by the Director. No such work permit shall be issued by the Director until proper application shall have been made to the Director on forms supplied by the Director and, if necessary, until after Planning Commission and/or Zoning Board of Appeals approval shall have been granted. Any and all proposed signs that will violate any section, limit or standard of this article shall require the granting of an area variance by the Zoning Board of Appeals before the Director may issue a work permit for the sign to be constructed, displayed or maintained. The following information shall be the minimum information that shall be submitted to the Director at the time that a request for a work permit is made:

- A. A scaled site plan showing all of the information listed in items 1-12 of the site plan elements checklist designating the proposed sign location(s);
- B. A scaled sign drawing detailing sign dimensions, materials, mode of illumination, letter size and style, the message, background, letter colors, and method of attachment; and
- C. A certification that the sign support strength requirement of § 285-97K will be met.

§ 285-95. Exemptions.

The following signs and sign activities do not require a request for or issuance of a work permit:

- A. Traffic-control and other governmental signs.
- B. Temporary signs used to warn of danger or to advise of an emergency situation.
- C. All signs permitted by this chapter in the R-1 and R-2 Residential Districts are exempt in all zone districts.
- D. Changing the copy or message on a painted or changeable letter sign or reducing sign size, unless such activity involves a structural change or encroachment upon any public right-of-way (R.O.W.) or private property other than that on which the sign is located.
- E. Painting, repainting, cleaning or maintenance repair activities, unless such activity involves an increase in sign size or a structural change or encroachment upon any public R.O.W. or private property other than that on which the sign is located.
- F. For-sale signs shall not require a work permit as long the following regulations are obeyed:
 - (1) No for-sale sign shall exceed eight square feet in area.
 - (2) No more than two for-sale signs shall be placed on any single property offered for sale.
 - (3) For-sale signs may be located either on the first floor level of any side of the structure facing a public street or on a nonilluminated signpost erected at least 15 feet inside the curbline and 16 feet inside any side lot line.
 - (4) For-sale signs shall be removed within seven calendar days of the change in occupancy.
- G. Election campaign signs shall not require a work permit as long as the following regulations are observed:
 - (1) No election campaign signs shall exceed 16 square feet in area per side.
 - (2) No more than two election campaign signs may be displayed on any single property.
 - (3) Election campaign signs shall be removed within 14 calendar days of election day.
- H. Garage sale signs shall not require a work permit and may be displayed in any zone on any property at which the sale is to be conducted as long as the following conditions are obeyed:
 - (1) Garage sale signs shall not be illuminated and shall not exceed eight square feet in area.

- (2) Garage sale signs may not be displayed more than three calendar days before the sale and must be removed upon completion of the sale and may not be displayed for more than seven consecutive days nor more than 10 calendar days per year.
- (3) Garage sale signs must be displayed only upon the property at which the garage sale is being conducted.
- I. Directional signs clearly identifying access points, traffic circulation directions and location of off-street parking and the like on a site shall be permitted in all zones except R-1 and R-2 in any quantity that is reasonable in the judgment of the Director to adequately and safely perform the identification function. Such directional signs require only the approval of the Director as long as the following conditions are met:
 - (1) No individual facing of a directional sign may exceed eight square feet in area.
 - (2) No directional sign may display any message such that the direction being identified is smaller than, or subordinate to, all other messages on the sign.
 - (3) No brand name or product sold on the premises (e.g., Pepsi, keys, meat) may be displayed on a directional sign.
 - (4) The illumination may be internal or external as long as it is constant and the bulb is not visible from any nearby public property or any other nearby private property. The intensity of the illumination shall not exceed the limit for the zone in which the property is located.
 - (5) Such directional signs may be flush mounted on any building on, or adjacent to, the site in the same manner as prescribed for any sign in the applicable zone district or may be freestanding in the same manner and locations as permitted in the applicable zone district; except that such signs when freestanding may not exceed five feet in height above the average grade within 10 feet of any of its supports.
 - (6) Such directional signs shall be located entirely upon the same property containing the object of the direction (e.g., parking lot, entrance), except that one directional sign per property per street may identify the object of the direction on another separate property (e.g., "parking three doors south").
- J. Temporary signs advertising construction work or advertising grand opening events, flea markets and the like are exempt from this chapter and do not require the issuance of a work permit so long as they meet all of the applicable zone district requirements for signs in the appropriate zone district and are not displayed for more than 60 days for grand openings and 18 months for construction.
- K. Any required New York State inspection station sign or authorized repair shop sign for cars

and/or trucks may be displayed per state law. No portion of said sign may be higher than 10 feet above the ground surface adjacent to the building face upon which the sign is displayed. Such sign may be lighted per the standards of their appropriate zone district, and the sign must be flush mounted unless state law expressly requires otherwise.

- L. Fuel price signs required by federal, state or local law.
- M. Historical site markers.
- N. One self-service or one full-service identification sign per pump island at gasoline filling stations or auto service stations. Each such sign face may not exceed two square feet in area.
- O. Street number identification not exceeding two square feet in area per sign face.
- P. Posted/no-trespassing signs.
- Q. Phone identification signs erected by NYNEX or its authorized representative.
- R. Public restroom identification signs not exceeding three square feet in area.
- S. Holiday decorations no more than 60 days prior to and 30 days following the holiday.
- T. Any sign displayed entirely within a structure but which sign is visible from any public R.O.W. or any other private property. If, however, it is the judgment of the Director that such sign is displayed with the intention of being visible from the R.O.W., the Director shall subject the sign to all of the standards for signs in the appropriate zone.

§ 285-96. Required maintenance.

The owner of any preexisting or new sign regulated by this chapter shall properly paint or cause to be painted, at least once every three years, painted parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust.

- A. Broken or damaged signs or sign structures shall be removed and/or repaired within 30 days of written notification by the Director. If such signs are not removed/repared within the thirty-day period, the Director shall remove or cause to have removed any sign that is not properly maintained and for which notice has been given. Any sign or sign structure that is removed under this section shall be retained by the City of Troy and shall be returned to the owner/beneficial user of the sign upon written application by the owner/beneficial user and upon payment to the Director of all removal costs incurred by the City of Troy plus a \$2 per day storage fee. Signs/sign structure thus reclaimed shall be picked up by the owner/beneficial user at a time and place as scheduled by the Director. Signs stored by the City in this manner may, after at least one year of storage, be sold by the City at public

auction or may be destroyed, at the option of the City.

- B. **Safety.** If the Director shall find that any preexisting sign or any sign regulated herein is unsafe or is not properly secured, or is in his/her judgment a danger to the public, or has been constructed, erected or maintained in violation of this chapter, he/she shall personally or by representative deliver a written order for removal or repair to the owner of such sign or sign structure. Such order shall state the time by which the sign must be removed or repaired. In the cases of unsafe, dangerous or insecure conditions, the cited owner shall have until 5:00 p.m. of the following calendar day to satisfy the citation. In other cases, the Director shall allow, at his discretion, a maximum of 10 calendar days for the corrections to be made. Any corrective activities not completed within the time allotted shall be undertaken by the Director, and any cost incurred in such corrective action shall be at the expense of the owner named in the citation. No permits for the property may be issued until the costs are paid. If the peril caused by a dangerous sign condition is so imminent that corrective action must be taken immediately, the Director may initiate such action summarily and without notice, and the fees shall be assessed to the owner of such sign. Signs or property that are electrified and operating without the required electrical inspection shall be considered to be unsafe and are, therefore, subject to the sanctions found in § 285-97C.
- C. **Discontinuance.** Any sign or sign structure hereafter existing which for any reason no longer advertises or identifies a business conducted, a service rendered or product sold shall be removed by the owner or beneficial user of the building or lot upon which the sign is located. Removal of such a sign shall be accomplished within 30 calendar days after discontinuance of the activity that was advertised/identified by the sign or the owner/beneficial user shall be in violation of this chapter and therefore shall be subject to the sanctions found in § 285-97C.

§ 285-97. General regulations.

The following rules and regulations shall apply to signs regardless of the zone district, use, size or any other characteristic of any property or building on any property within the limits of the City of Troy. No sign may be displayed in the City of Troy unless it conforms with these general regulations. All signs proposed to be erected after the effective date of this chapter shall be subject to this chapter.

- A. **Director's responsibilities.** Unless otherwise noted in this chapter, the Director shall:
 - (1) Be responsible for reviewing all sign proposals for the purpose of issuing permits. All such permit requests shall be made in accordance with § 285-94.
 - (2) Within 24 hours of receipt of a completed application for a sign work permit (with all required backup per § 285-94), issue either a work permit or a denial of request for work

permit. In considering an application for a sign work permit, the Director shall apply the rules and regulations of this chapter and such discretion as is necessary to reach a reasonable and prudent decision in applications for signs not fully covered by the rules and regulations of this chapter.

- (3) Determine the size (area) of sign.
 - (4) Administer this chapter in a conscientious and equitable manner.
 - (5) Perform all of the additional duties specified in this chapter.
- B. Appeals. Any person aggrieved by any decision of the Director in the performance of his/her duties under this Article VII may make an appeal only to the Troy Zoning Board of Appeals, upon forms supplied for that purpose. Any decision of the Troy Zoning Board of Appeals may then be appealed to the Supreme Court of the State of New York per § 285-43 of this chapter.
- C. Fines. All violations of this chapter that are willfully continued for a period of 31 days or more shall be subject to the penalties described in § 285-44 in addition to the costs incurred by the Director and the storage costs (§ 285-96A) for the sign structure.
- D. Size determination. The area of any sign is the entire area within a continuous perimeter composed of parallelograms, circles, ellipses, trapezoids and triangles, or a combination of no more than two of the above geometric figures per sign face, which enclose the extreme limits of the message (including illustration or insignias but not including the address) together with any frame or condition that forms an integral part of the display. Necessary supports or uprights upon which the sign is placed are excluded from the calculated sign area unless they form a portion of the message. Where a face has two or more panels, the areas of all panels are to be added together and totaled. In addition, the area of each and every sign face shall be considered when calculating the sign area for an individual property (i.e., a double-faced sign/projecting sign has double the area of a single-faced sign). When a sign consists only of individual letters, numerals or symbols and is painted or otherwise attached to a window or other flat surface, the area of such a sign shall be the area within the continuous perimeter of the two geometric shapes listed above. The numerical street number of the property when included on the face of a sign shall not be considered as part of the sign area for the property.
- E. Home occupation signs. Unless otherwise permitted in this chapter, home occupation signs shall be limited to three square feet in area and shall be displayed as described for signs in the R-1 and R-2 Zones in § 285-99B, C, D and E.
- F. Church/educational identification signs. Bulletin boards or signs of churches or educational uses shall not exceed 16 square feet in area, and one may be located on each principal building on the site or 15 feet inside the curbline. The top of such sign shall be no higher than

eight feet above the adjacent ground level when freestanding or 20 feet, if attached to a principal building. Lighting when employed shall be constant and shall not exceed 80 watts fluorescent or 150 watts incandescent.

G. Corner properties.

- (1) For purposes of this section, a property is considered to be a corner property if it is situated such that two adjacent lot lines of the property are congruent with the R.O.W. lines of two improved public streets not including public alley R.O.W.'s. A corner property is considered to front on both streets that it abuts.
- (2) On-premises signs at corner properties may be displayed on both sides of the principal building on the property that face the R.O.W.'s. Such on-premises signs shall meet the size standards for the zone district for each of the two sides of the property facing the two public R.O.W.'s. The maximum on-premises signs' size permitted on any corner property is, therefor, double the per-property size limit that is generally permitted for properties in the particular zone district. Off-premises signs are unaffected by location of corner properties.

H. Properties divided by zone district boundaries. Individual properties classified into two or more zone districts by zone district boundary lines may be considered for sign regulation purposes to be entirely within the least restrictive (IND is least restrictive, CON is most restrictive) zone district and will be subject to the sign standards and limitations of such least restrictive zone district. This applies to on-premises and off-premises signs alike.

I. Freestanding signs. Wherever freestanding signs are permitted by this chapter, the following general requirements shall be met unless otherwise noted in this chapter:

- (1) All supports shall be firmly anchored to the ground, per the approval of the Director.
- (2) The wind load specification of § 285-97J shall be met.
- (3) The highest point of the sign structure shall not extend higher than 20 feet above the average adjacent ground level for 10 feet in any direction of any sign support if the ground elevation varies more than one foot over the 10 feet in any direction.
- (4) The sign supports that are attached to the ground shall in no event be closer than three feet to any property line.
- (5) The bottom of the sign must be at least 12 feet above any adjacent parking or vehicular passageway or nine feet above any adjacent pedestrianway if the bottom of the sign is higher than three feet above the adjacent ground/surface level. However, if the sign structure is separated by a physical barrier (e.g., fence, wall, shrubbery) that prevents vehicular or pedestrian traffic within two feet of any portion of the sign structure

measured horizontally, the sign may be displayed at any height above grade subject only to the maximum height limit of § 285-97O and P or the zone whichever applies. No freestanding business sign may be mounted, anchored, attached or supported such that it obstructs or overhangs any portion of any public R.O.W.

- J. Wind load. All signs, whether on-premises or off-premises, erected after October 7, 1988, shall be able to withstand a wind load of 30 pounds per square foot. Such wind load capability shall be guaranteed by the seal and signature of an engineer licensed by the State of New York on the plans for such signs as required in Subsections 285-94A and B.
- K. Obstruction. No sign may hereafter be displayed that:
 - (1) Prevents free access through any door, window or fire escape or which obstructs any door, fire escape or any portion of any public right-of-way from the ground surface to a height of nine feet.
 - (2) Obstructs free and clear vision of any traffic-control sign or signal within 150 feet of said traffic-control sign or signal.
- L. Traffic safety. No sign may hereafter be displayed that:
 - (1) Flashes or has intermittent lighting or has red, green or amber illumination or that displays a moving copy or message that would cause motorist confusion.
 - (2) Displays the word "stop" in such a way that would cause motorist confusion.
- M. Signs on fences. No sign other than temporary signs may be attached to any fence.
- N. Electrical. Any sign or sign structure that is electrified shall have a UL (Underwriters' Laboratories) listed/approved/certified label attached prior to use.
- O. Height above sidewalks or vehicular ways. In general, unless otherwise specified in this chapter, the bottom edge or surface of any sign structure (except supports attached to the ground) shall be at least the following height above the ground surface within 10 feet of the sign in any direction measured horizontally:
 - (1) Sidewalk/pedestrianway: nine feet;
 - (2) Vehicular way: 14 feet; and the top of such sign shall not be higher than 20 feet above the ground surface.
- P. Height of signs. Unless otherwise specified in this chapter, no part of any sign structure shall be higher than 20 feet above the adjacent ground level, if ground mounted (freestanding), or above the eave line of the principal building.

- Q. Window signs. Signs displayed on or within one foot of the windows of activities conducted in any structure in any zone are permitted subject to the following conditions:
- (1) Such displayed sign may cover no more than 20% of the window area if painted on a background color or illuminated, or 50% if there is no painted background or illumination.
 - (2) Such displayed sign area shall not be considered to be part of the sign area on the property as long as the sign conforms to the lighting and letter size standards of the appropriate zone.
- R. Trade names. No sign may be erected which displays a trade name that covers more than 25% of the area of any sign face in any zone unless the trade name product is actually produced or manufactured on the property on which the sign is displayed.
- S. Obscenities. No sign may be erected which displays an obscene word, action or phrase, or which suggests such word, action or phrase.
- T. Suspended/projecting signs attachment. Projecting signs that are displayed in such a manner that allows them to swing loosely on the projecting support area shall be installed according to the following principles:
- (1) Suspended signs are to have a metal perimeter or metal thru-bolt construction.
 - (2) Suspended signs shall not be supported by screw eyes in wood.
 - (3) Suspended sign shall not exceed 16 square feet per sign facing.
 - (4) Suspended signs shall have a design wind load resistance of at least 30 pounds per square foot in accordance with § 285-97J.
 - (5) Suspended signs shall not be attached to a projecting support post that is greater than five feet in length.

§ 285-98. Business identification signs.

On-premises signs identifying a legal activity may be installed and/or maintained in accordance with §§ 285-98 through 285-108. All such signs shall be permanent signs.

§ 285-99. R-1 and R-2 Zones.

- A. Size. One nameplate not exceeding two square feet in area.

B. Location. Either:

- (1) Securely attached to the front face or porch of the first floor area of the principal structure; or
- (2) On an anchored signpost at least 15 feet inside of the front curbline if the principal structure front setback is at least 25 feet from the curbline.

C. Illumination. May be internal or external if the bulb is not visible from any public property or any other private property. Such illumination shall not exceed one bulb with wattage greater than 60 watts (incandescent) or 40 watts (fluorescent).

D. Letter size: Individual letters on business identification signs in the R-1 District shall be of such size, style and spacing as to be readable by the public at a distance of 50 feet.

E. Other. Any property in the R-1 Zone displaying a business identification sign must also display the street number of the property address such that it is readable by the public at a distance of 50 feet but no farther than 100 feet. The street number may be made part of the business identification sign but is not to be considered to be part of the sign area of the property.

§ 285-100. R-3 Zone.

A. Size: One stationary sign not exceeding 25 square feet in area.

B. Location. Either:

- (1) Securely attached to the front face or porch of the first floor area of the principal structure; or
- (2) Securely attached to the front face of an accessory structure in which a professional office or business or home occupation is conducted; or
- (3) On a signpost at least 15 feet inside of the front curbline if the principal structure's front setback is at least 25 feet from the curbline.

C. Illumination: May be internal or external if the bulb is not visible from any other private property. Such illumination shall be constant and shall not exceed 150 watts (incandescent) or 40 watts (fluorescent).

D. Letter size: Individual letters or business identification signs in the R-3 Zone shall be of such size, style and spacing as to be readable by the public at a distance of no less than 75 feet (two-inch-high letters) or no more than 150 feet.

§ 285-101. R-4, R-5, B-1 and B-2 Zones.

- A. Size. The maximum total sign area that shall be permitted shall not exceed 100 square feet in area, nor shall it exceed 50 square feet per business, home occupation or office unit conducted on the property.
- B. Location. All business identification signs shall be securely attached to the front facade of the structure in which the business is conducted and must be displayed between the first floor line and the bottom of the second floor window line.
- C. Projection. No more than one business sign may project more than nine inches from the face of the building to which it is attached. The maximum permitted projection of any business identification sign greater than nine inches shall be five feet, but in no event shall it project past a vertical plane parallel to and six inches inside of the nearest curblineline. Such projecting signs may be suspended in accordance with § 285-97T. Projecting business identification signs may be displayed at any horizontal angle to the building front face as long as there are not more than two sign faces on the sign and the bottom of the sign is not less than nine feet above any pedestrianway measured vertically.
- D. Illumination. May be internal or external so long as the bulb is not visible from any public property or any other private property. Such illumination shall be constant and shall not exceed 150 watts (incandescent) or 80 watts (fluorescent).
- E. Freestanding. One freestanding business identification sign per property may be erected if all of the following conditions are met:
 - (1) The front setback of the principal building on the property must be at least 10 feet greater than the front setback of the principal building on an adjacent lot fronting on the same street, if there is a principal building on either adjacent lot.
 - (2) The front setback must be at least 35 feet if the subject property is a corner lot or if there is no principal structure on either adjacent lot.
 - (3) The wind load requirement is met. (See § 285-97J.)
 - (4) The height of the highest point of the sign structure may not exceed 20 feet above the ground level at the base of the sign structure.
 - (5) The total sign area on the property does not exceed the total permitted sign area. (See Subsection A.)
 - (6) The sign support(s) must be at least three feet inside the nearest property line.

- (7) No portion of the sign structure may project past a vertical plane parallel to and six inches inside of the nearest curbline.
 - (8) The bottom of the sign must be at least 14 feet above any adjacent parking or road surface or nine feet above any adjacent pedestrianway if the bottom of the sign is greater than three feet above the adjacent grade level. However, if the sign structure is separated by a physical barrier (e.g., shrubbery, fence, wall) that prevents vehicular or pedestrian travel within two feet of any portion of the sign structure measured horizontally, the sign bottom may be any height above grade subject only to the maximum sign height limit of 20 feet. (See § 285-97O and P.)
- F. Letter size. Individual letters on business identification signs in the R-4, R-5, B-1 and B-2 Zones shall be of such size, style and spacing as to be readable by the public at a distance of no less than 100 feet nor more than 300 feet (nine-inch-high letters).

§ 285-102. B-3 Zone:

- A. Size. The maximum permitted total business identification sign area for any property in the B-3 District shall be calculated at a rate of 150 square feet for the first business and 100 square feet for each additional business operating within the property boundaries. Such sign area may be divided in any way subject to the limits below.
- B. Location:
- (1) For a single business on any property, the sign area may be divided per the needs of the owner/beneficial users of the property except that no single sign may display more than 100 square feet on any single face. Signs so erected may be freestanding, flush mounted or projecting, subject to the limits below.
 - (2) For multiple business on any property, the sign area may be divided per the needs of the owner/beneficial user of the property provided that no single sign face may exceed 300 square feet in area. Signs so erected may be freestanding, flush mounted or projecting.
- C. Projection. Business identification signs may project no more than five feet from the face of the building to which they are attached. Such projecting signs may not project above the eave line of the building to which they are attached and may not extend past a vertical plane parallel to and six inches inside of the nearest curbline. Projecting business identification signs thus displayed may project at any horizontal angle to the building front face but there may be no more than two faces on any such projecting sign, and the bottom of the sign shall be not less than 9 feet above any pedestrianway measured vertically or 14 feet above any vehicular travel way measured vertically.

D. Illumination. Illumination may be internal or external as long as the bulb is not visible from any public property or any other private property. Such illumination shall be constant.

E. Freestanding.

- (1) One freestanding business identification sign shall be permitted for each property and shall be located as per the requirement of the Planning Commission. Such sign shall identify the shopping center, plaza, park or complex name such that the name covers at least 25% of the individual sign faces. The following conditions must be satisfied for a freestanding sign:
 - (a) The front setback of the principal building must be at least 50 feet.
 - (b) The height of the highest point of the sign structure may not extend more than 20 feet above the ground level at the base of the sign structure.
 - (c) The sign area for the property is not exceeded.
 - (d) The sign structure post(s) must be at least three feet inside the nearest property line.
 - (e) No portion of the sign structure may project past a vertical plane parallel to and six inches inside of the nearest curbline.
 - (f) The bottom of the freestanding sign must be at least 14 feet above the surface of any adjacent vehicular travel way or parking area or nine feet above the surface of any adjacent pedestrian accessway if the bottom of the sign is more than three feet above the adjacent ground surface. However, if the sign structure is separated from adjacent pedestrian and vehicular travel ways or parking areas by a physical barrier (e.g., shrubbery, fence, wall) that prevents pedestrian or vehicular access within two feet of any portion of the sign structure as measured horizontally, the sign bottom may be any height above grade subject only to the maximum height limitation of 20 feet. (See § 285-97P.)
- (2) A second freestanding business identification sign may be erected on any property in the B-3 District if all of the following conditions are met:
 - (a) The requirements of Subsection E(1) through (6) above for freestanding signs are met.
 - (b) There are at least two separate business spaces on the property with floor area exceeding 30,000 square feet each.
 - (c) There are at least two public vehicular access drives into the property, each accessway accommodating two-way traffic.

F. Other.

- (1) Under-canopy signs are permitted at a rate of one sign per separate, distinct business space. Such signs are not to be calculated as part of the sign area for the property but are permitted only if the following standards are met:
 - (a) There must be at least two separate, distinct business spaces on the property.
 - (b) There must be a permanent building canopy whose bottom is at least 10 feet above the adjacent pedestrianway.
 - (c) Each individual sign may not exceed eight square feet per side and one foot in height.
- (2) Directories are permitted subject to Planning Commission approval as to the size, locations, numbers and design of the directories and their associated vehicular pull-offs. Every directory shall have an associated pull-off within 10 feet. Such pull-off shall allow easy vehicular movement into and out of vehicular travel ways and shall be completely out of a vehicular travel way or a pedestrian travel way.

§ 285-103. B-4 Zone:

- A. Size. The maximum total on-premises sign area that shall be permitted on any property shall be calculated at the rate of 2.5 square feet per foot of individual business space frontage, not to exceed 100 square feet of sign area for the first first-floor business space. Additional first-floor business spaces may have maximum sign area not to exceed 32 square feet. Business spaces on upper floors may have a maximum of eight square feet of sign area. Such sign areas may be divided in any manner by the beneficial users except that no beneficial user may have more than two sign faces per property.
- B. Location. On-premises signs on any property may be displayed as follows:
 - (1) Flush-mounted/facade-mounted signs shall be securely attached to the facade of the building and must be displayed between the floor line and ceiling line of the floor accommodating the use for which the sign is displayed or in the wall area below the bottom of the second-floor window line. Such signs may project no more than nine inches from the facade.
 - (2) Projecting signs shall be securely attached to the facade of the building and may be suspended if in accordance with § 285-97T. Projecting signs shall be attached to the facade no higher than the bottom of the second-floor window line or the eave line if there are no upper floors. In addition, projecting signs in this Zone may project no more

than five feet from the facade of the building to which they are attached and must be so located that the bottom of such sign is no less than nine feet above any pedestrianway or less than 14 feet above any vehicular way measured vertically.

- (3) Freestanding signs shall be located entirely within the property lines.

C. Projection:

- (1) There shall be no more than one projecting sign per business space in any principal structure. Furthermore, there shall be no more than one such projecting sign for every 30 feet of continuous building facade and a maximum of four projecting signs per property.
- (2) Projecting signs may project no more than five feet from the face of the building but in no event shall project past a vertical plane parallel to and six inches inside of the nearest curbline. Projecting signs may be displayed at any horizontal angle to the front face of the building as long as there are not more than two sign faces on the sign.

D. Illumination. Illumination may be internal or external so long as the bulb is not visible from any public property or any other private property.

E. Freestanding. One freestanding sign per property may be erected on any property if all of the following conditions are met:

- (1) The front setback of the principal building must be at least 10 feet greater than the front setback of the principal building on an adjacent lot fronting on the same street, if there is a principal building on either adjacent lot.
- (2) The front setback of the principal building on the lot is at least 20 feet if the subject property is a corner lot.
- (3) The wind load specification is met. (See § 285-97J.)
- (4) The height of the highest point of the sign structure may not be higher than 20 feet as measured vertically from the adjacent ground level at the base of the sign structure.
- (5) The total sign area on the property does not exceed the total permitted sign area for the property. (See Subsection A.)
- (6) The signpost(s) must be at least three feet inside of the nearest property line. [See § 285-97I(4).]
- (7) No portion of the sign structure may project past a vertical plane parallel to and six inches inside of the nearest curbline.
- (8) The bottom of the sign must be at least 14 feet above any adjacent parking or vehicular

travel way or nine feet above any adjacent pedestrianway if the bottom of the sign is higher than three feet above the adjacent ground/surface level. However, if the sign structure is separated by a physical barrier (e.g., fence, shrubbing, wall) that prevents vehicular or pedestrian traffic within two feet of any portion of the sign structure measured horizontally, the bottom of the sign may be any height above grade subject only to the maximum sign height limit of 20 feet. (See § 285-97O and P.)

- F. Letter size. Individual letters on business identification signs shall be of such size, style and spacing as to be readable from a distance of no less than 100 feet and no more than 300 feet (nine-inch-high letters).
- G. Height. In addition to the twenty-foot sign height limit of § 285-97O and P, no sign may be more than 20 feet high from top to bottom or, if building mounted, above the eave line of the principal building on the property.

§ 285-104. B-5 and IND Zones.

- A. Size. The maximum total on-premises sign area that shall be permitted on any property shall be calculated at the rate of one square foot of sign area for each 10 square feet of floor area, not to exceed 10% of the first-story exterior wall area of the front wall of the principal building or 400 square feet, whichever is greater.
- B. Location. On-premises signs on any property may be displayed as follows:
 - (1) Flush-mounted/facade-mounted signs shall be securely attached to the facade of the building and must be displayed between the floor line and ceiling line of the building story accommodating the use for which the sign is displayed or in the wall area below the bottom of the second-floor window line. Such signs may project no more than nine inches from the face of the building.
 - (2) Projecting signs shall be securely attached to the facade of the principal building and shall be attached in accordance with § 285-97T. Projecting signs shall be attached to the facade no higher than, and may project no higher than, the bottom of the second-floor window line or the eave line, whichever is lower. In addition, projecting signs may project no more than five feet from the facade of the building to which they are attached and must be located so that the bottom of such sign is no less than nine feet above any adjacent pedestrianway or less than 14 feet above any adjacent vehicular way measured vertically.
 - (3) Freestanding signs in these Zones shall be located entirely within the property lines.
- C. Projection. There shall be no more than one projecting sign per business space in any

principal structure. Furthermore, there shall be no more than one such projecting sign for every 30 linear feet of continuous building facade measured along the ground surface and a maximum of four projecting signs per property; projecting signs may project no more than five feet from the face of the building but in no event shall project past a vertical plane that is parallel to and six inches inside the nearest curbline. Projecting signs may be displayed at any horizontal angle to the front face of the building to which they are attached so long as there are not more than two sign faces on any projecting sign.

- D. Illumination. Illumination may be internal or external so long as the bulb is not visible from any public property or any other private property. Such illumination shall be constant.
- E. Freestanding. One freestanding sign per property may be erected on any property located in these Zones if all of the following conditions are met:
 - (1) The front setback of the principal building must be at least 50 feet.
 - (2) The height of the highest point of the sign structure may not extend more than 30 feet above the ground level at the base of the sign structure.
 - (3) The sign area for the property is not exceeded.
 - (4) The signpost(s) must be at least three feet inside the nearest property line. [See § 285-97I(4).]
 - (5) No portion of the sign structure may project past a vertical plane parallel to and six inches inside of the nearest curbline.
 - (6) The bottom of the sign must be at least 14 feet above the surface of any adjacent vehicular travel way or parking area or nine feet above the surface of any adjacent pedestrian accessway if the bottom of the sign is at least three feet above the adjacent ground surface. However, if the sign structure is separated from adjacent pedestrian and vehicular travel ways or parking areas by a physical barrier (e.g., shrubbery, fence, wall) that prevents pedestrian or vehicular access within two feet of any portion of the sign structure as measured horizontally, the sign bottom may be any height above grade subject only to the maximum height limitation of 20 feet. (See § 285-97O and P.)
- F. Letter size. Individual letters on signs displayed shall be of such size, style and spacing as to be readable from a distance of no less than 100 feet nor more than 800 feet (27-inch-high letters).
- G. Height. In addition to the thirty-foot sign height limit of Subsection E(2), no sign may be more than 20 feet high from top to bottom or, if building mounted, extend above the eave line of the principal building on the property.

§ 285-105. INST Zone.

- A. Comprehensive signage plan. The nature of large-scale institutional land use is such that identification of the entire institution, its individual constituent structures, parking areas and directions on and off premises and through the institutional grounds are vital to both the continued existence and development of the institution and the safety and convenience of those visiting. As a result, this chapter requires that all institutional property owners submit a comprehensive signage plan with the institution's first application for new or altered signs under this chapter.
- (1) Such plan shall include the following elements:
- (a) Location of all signs within 200 feet from adjacent residential districts or public streets.
 - (b) The size, shape and content of each sign within the area described in Subsection A(1)(a) above.
 - (c) The location, size, shape and content of all signs larger than 100 square feet.
- (2) Such plan shall be kept on file in the office of the City Engineer and updated by the applicant upon the submission of each request for a new sign.
- B. Size. No single sign shall exceed 100 square feet.
- C. Location. No sign shall be located or affixed in such a manner as to interfere with safe vehicular flow on public streets.
- D. Projection, illumination, letter size and height. The design and dimensions of all regulated signs within this District shall be a matter of concurrence within the context of the comprehensive signage plan between the applicant and the Commission.
- E. Exemptions. All signs located at distances greater than 200 feet from adjacent residential zones or public streets under 100 square feet and not clearly visible from outside the Institutional District are hereby exempt.
- F. Prohibitions. All businesses signs as defined in § 285-93 are prohibited within institutional land uses.

§ 285-106. CON Zone.

- A. Size. One stationary sign per public vehicular access point not to exceed 75 square feet each

in area is allowed in this District. Individual structure identification signs no larger than eight square feet are allowed.

- B. Location, projection, illumination, letter size and height. Given the unique nature of conservation-oriented land uses, signs within this District shall be within the context of the existing land use patterns and physical environment of the applicant's property.

§ 285-107. BP Zone. [Amended 10-4-1990]

Pursuant to § 285-9 of this chapter, the Planning Commission shall adopt comprehensive standards and regulations in regard to the size, location, illumination, letter size, material and design of all signs in this District in order to ensure the uniformity of signage within the District and maintain the integrity of the business park nature of the District.

§ 285-108. P Zone. [Amended 5-4-1989]

A. General:

- (1) All signs (except traffic-control signs) within this District shall be used to identify individual units, buildings, recreational areas or facilities, and/or planned development entrances.
- (2) Signs (including building of unit number, letters or names) shall be posted at the front and the rear of each residential unit to identify each unit. A sign must be posted on any building containing four or more units where four or more similarly designed buildings exist in a planned development, unless an orderly street numbering system exists to the satisfaction of the City Planning Commission.
- (3) Entrance signs shall be provided at all entrances or exits of any planned development to identify said development. All signs denoting recreational areas or facilities shall be posted at the discretion of the property owner, unless specifically called for by the Planning Commission.

B. Location:

- (1) Signs (numbers or letters or names) identifying individual units shall be flush mounted and shall be posted at both the front and the rear of each and every unit. Such signs must be situated either directly on doors, within 18 inches of said door casing, or within 18 inches of the casing of the window with the lowest sill on both the front and rear of each unit the sign is meant to identify.

- (2) Signs identifying buildings shall be flush mounted and situated so as to be easily visible from the likely most heavily traveled street.
- (3) Signs identifying recreational areas shall be located to be easily visible from the likely most heavily used public right-of-way or private easement strip or area.
- (4) Signs identifying planned development entrances or exits shall be situated to be clearly visible from collector streets that service the development, but shall be so situated so as to be outside of the right-of-way area of the collector street.

C. Size:

- (1) Total signage dedicated to identify individual units shall not exceed four square feet.
- (2) Signs posted to identify buildings shall not exceed 12 square feet.
- (3) Signs identifying recreational areas shall not exceed 16 square feet. Signs identifying recreational facilities shall not exceed 32 square feet per sign nor 100 square feet per facility.
- (4) Signs which identify planned development entrances or exits shall not exceed a total of 50 square feet per face per entrance or exit area, nor more than 100 square feet per entrance area.

D. Illumination:

- (1) Signs identifying individual units and buildings shall be illuminated by use of the general exterior lighting; said exterior lighting shall be designed so as to also provide adequate illumination for these signs.
- (2) Where other floodlighting exists at recreational areas or facilities, it shall be directed so as to also illuminate recreational identification signs. Where recreational uses or facilities are to be used after sunset, and where floodlighting is not utilized, other adequate illumination for signs shall be provided to the satisfaction of the Planning Commission. Where recreational uses or facilities are not to be used after sunset, no sign illumination is necessary.
- (3) Signs identifying development entrances or exits shall be either internally illuminated or illuminated by use of floodlighting fixtures. Where floodlighting is to be employed, said illumination shall be directed away from traffic and residential units and designed so as not to create hazards to motorists nor annoyances to adjacent residents or businesses.

E. Maintenance. All signs described in this chapter shall be properly maintained to continue to convey intended identification of units, buildings, areas, entrances or exits and facilities.

Such maintenance shall be the responsibility of the owner of the property that said signs are situated upon, unless within a public right-of-way. Where signs are posted within a public right-of-way, responsibility for maintenance shall be by either a neighborhood maintenance corporation or otherwise determined through deed covenant acceptable to the Planning Commission.

§ 285-109. Outdoor advertising signs.

- A. General. Outdoor advertising signs may hereafter be erected or maintained only in accordance with this section.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BACK-TO-BACK SIGN -- An outdoor advertising sign with two parallel and directly opposite signs with their faces oriented in opposite directions located not more than 15 feet apart. A back-to-back sign shall constitute one outdoor advertising sign.

DOUBLE-FACED SIGN -- Two adjacent outdoor advertising signs on a single structure or separate structures with both faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one outdoor advertising sign.

GROUND SIGN -- Any outdoor advertising sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

OUTDOOR ADVERTISING SIGNS -- A sign including the supporting sign structure which directs the attention of the general public to a business, service or activity not usually conducted or a product not usually offered or sold upon the premises where such a sign is located. None of the following shall be deemed an outdoor advertising sign:

- (1) Directional and other official signs authorized by law.
- (2) Signs advertising the sale or lease of property upon which they are located.
- (3) Signs advertising services or activities conducted on or products sold on the property upon which they are located.
- (4) Signs which have a significant portion of their face area devoted to giving public service information such as, but not limited to, time, date, temperature, weather, or similar information.

ROOF SIGN -- Any outdoor advertising sign attached to the roof of a building.

V-TYPE SIGN -- An outdoor advertising sign in the shape of a "V" or triangle when viewed from above with their faces oriented in different directions and not more than 15 feet apart at the closest points. A V-type sign shall constitute one outdoor advertising sign.

WALL SIGN -- Any outdoor advertising sign attached to or mounted to the wall of a building.

- C. Permitted zones. Outdoor advertising signs which conform with the provisions of this chapter shall be permitted in the following zones:
- (1) B-2, Community Commercial;
 - (2) B-3, Shopping Center Commercial;
 - (3) B-5, Highway Commercial; and
 - (4) IND, Industrial.
- D. Nonconforming signs. Any outdoor advertising sign in existence on the effective date of this chapter which does not comply with the provisions of this chapter may continue in existence and may be rebuilt so long as the size is not increased beyond existing size or square feet per facing, whichever is less.
- E. General provisions:
- (1) No outdoor advertising signs shall be constructed at any location having principal frontage on any street within 150 feet of any property which is used for public parks, elementary and secondary schools, church, courthouse, municipal building, public museum, having its principal frontage on the same street.
 - (2) No portion of any outdoor advertising sign may be constructed on or extend over the right-of-way of any street or highway. All outdoor advertising signs shall conform to a front yard setback requirement of 15 feet. If the lot upon which an outdoor advertising sign is to be constructed abuts a residential district, side yard and rear yard setbacks shall be not less than 25 feet.
 - (3) No outdoor advertising sign shall be constructed which resembles any official marker erected by the City, the State of New York, or any governmental agency, or which by reason of positioning, shape or color would conflict with the proper functioning of any traffic sign or signal.
 - (4) Except as specifically provided in this chapter, all outdoor advertising signs shall be

constructed in accordance with all municipal building and electrical codes.

- (5) All outdoor advertising signs shall be maintained in good and safe structural condition. The painted portions of outdoor advertising signs shall be periodically repainted and kept in good condition.
- (6) No outdoor advertising sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent or trustee or other party controlling the use of such property.
- (7) The general area in the vicinity of any ground sign must be kept free and clear of sign materials, trash, litter and grass or weeds exceeding six inches in height.

F. Size of signs:

- (1) In the B-5 and IND Zones, the maximum areas for any one face of an outdoor advertising sign shall be 300 square feet, inclusive of any border and trim but excluding the base or apron, supports and other structural members. In all other permitted zones, the maximum area for any face shall be 72 square feet, inclusive of any border and trim but excluding the base or apron, supports and other structural materials. Cutouts not exceeding 20% of the aforesaid maximum areas may be added to each face of an outdoor advertising sign.
- (2) The aforesaid maximum areas shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign face exclusive of the aforesaid cutouts, and also excluding the base or apron, supports and other structural members.
- (3) An outdoor advertising sign may contain one or two faces and may be placed back-to-back, double-faced, or V-type.

G. Height of outdoor advertising signs; maximum allowable:

- (1) In B-5 and IND Zones, the maximum height for any outdoor advertising sign exclusive of cut-outs shall be 50 feet. In all other permitted zones, the maximum height for any outdoor advertising sign exclusive of cut-outs shall be 40 feet. All measurements are to be taken from the road grade level to which the outdoor advertising sign is oriented.

H. Spacing of outdoor advertising signs:

- (1) On streets and highways within the jurisdiction of this chapter, no outdoor advertising sign may be constructed within 150 feet of any other outdoor advertising sign, measured on the same side of the same street.

- (2) The above set forth spacing between outdoor advertising signs does not apply to outdoor advertising signs separated by buildings or other obstructions in such manner that only one outdoor advertising sign located within the above spacing distances is visible from the street or highway to which it is directed at any one time.
- (3) The minimum distance between outdoor advertising signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the street or highway and shall apply only to structures located on the same side of the street or highway.

I. Lighting. Outdoor advertising signs may be illuminated subject to the following restrictions:

- (1) Outdoor advertising signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
- (2) Signs which are not effectively shielded as to prevent beams or rays from being directed at any portion of the traveled way of the street or highway and are of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

§ 285-110. Design criteria for all signs.

A. General purpose. The purpose of this section is to encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs. These guidelines are construed to be review criteria to assist the Commission in its deliberations.

B. Guidelines.

- (1) Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural feature, and should be in proportion to them.
- (2) Signs should be appropriate to the types of activities they represent.
- (3) Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.
- (4) No more than two typefaces should be used on any one sign or group of signs indicating one message.
- (5) The number of colors used should be the minimum consistent with the design.

- (6) Illumination should be appropriate to the character of the sign and surroundings.
- (7) Groups of related signs should express uniformity and create a sense of harmonious appearance.

4.202 Waterfront Districts

(A) Philosophy

1. Waterfront Mixed-Use District (WMD) -The purpose of this district is to encourage the redevelopment of South Troy's northern waterfront as a mixture of uses that will contribute to the City's tax base, create jobs and integrate with the natural environment of the Hudson River, the downtown, the adjacent residential neighborhood and city bicycle/ pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where mixed uses including recreation, public greenspace, professional offices, multi-family residential, research and development space, and limited retail and service-related commercial activity will be permitted. Permitted commercial uses will be limited to those uses that will not compete with downtown retail activity and will provide goods and services needed by the adjacent residential neighborhood and the employees and customers of businesses located on the waterfront.
2. Waterfront Commercial District (WCD) –The purpose of this district is to encourage the redevelopment of South Troy's central waterfront for a mixture of commercial and industrial uses that will contribute to the City's tax base, create jobs and are suited for integration with the natural environment of the Hudson River, the adjacent residential neighborhood and city bicycle/ pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where uses including recreation, greenspace, research and development activities and offices, light industry activity and limited retail will be permitted. Permitted retail uses will be limited to those uses that will not compete with downtown retail activity and will provide goods and services needed by the adjacent residential neighborhood and the employees and customers of businesses located on the waterfront.
3. Waterfront Trade District (WTD) -The purpose of this district is to continue to permit the location of important industrial uses predominantly located on the South Troy Waterfront by retaining and upgrading industry facilities. This area's location near major transportation routes, eases transportation connections for businesses and removes heavy truck traffic from neighborhood streets. Access to the rail line and river for shipping purposes in this district also makes the South Troy Waterfront attractive for industrial users. New buffering and design standards for new and relocating business will ensure greater compatibility of industrial users with the adjacent residential community and city bicycle/ pedestrian trail systems.

(B) Definitions

The following definitions apply only to 4.202 Waterfront Districts

BOTTLE RECYCLING CENTER: A lot or parcel of land, with or without buildings, upon which used returnable and/or refundable beverage containers not limited to solely bottles and may include cans and other materials, are separated, sorted, stored, and or processed for shipment for eventual reuse in new products.

BUSINESS OFFICE: A room, wing or detached building housing the office of a service or sales agency, not engaged in the manufacture or sale of goods, and wherein no storage space for merchandise is permitted.

CULTURAL FACILITIES: Establishments utilized for the display of exhibits of historic, educational or cultural nature that are not operated commercially, but may have an accessory retail component.

FINANCIAL INSTITUTIONS: A building or structure utilized for the direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc. and the providing of a related incidental financial services associated with a bank.

HOTEL/INN: A building containing a single dwelling unit in which more than four sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals and which may have a conference center as an accessory use.

LIGHT INDUSTRIAL: A facility that designs, assembles, or processes a product from previously prepared materials, of finished products or parts, for wholesale or retail sale and operates its uses within a building or buildings. The industry does not produce high volumes of polluting wastes and is compatible with other uses of the district.

MANUFACTURING: A use engaged in basic industrial processing; having potentially dangerous, hazardous or offensive methods, or engaged in the mechanical or chemical transformation of materials or substance into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

NEIGHBORHOOD RETAIL SERVICES: A limited retail or service business operating solely on the ground floor of a principal building with a footprint of no more than 2,500 square feet that provides goods and services to adjacent residential neighbors. Examples of neighborhood retail establishments are grocery stores, personal care services, Laundromats, florists, pharmacies and bakeries.

PERSONAL CARE SERVICES: Establishments primarily engaged in providing services involving the care of a person such as beauty shops, barbershops, nail salons, shoe repair, other salons, and other similar uses in the care of a person.

RECREATIONAL FACILITIES, PUBLIC: Recreation facilities operated as a nonprofit enterprise by the City of Troy, any other governmental entity or any nonprofit organization and open to the general public.

RESEARCH AND DEVELOPMENT FACILITIES: A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products except as accessory use related to facilities.

RESTAURANT, FULL SERVICE: Any building, room, space or portion thereof where food is sold for consumption on the premises, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter where the items are consumed. A full service restaurant may provide “accessory” delivery service, take out service (except drive through facilities) and related retail sales items.

RESTAURANT, TAKE OUT: Any building, room, space, or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment is made prior to consumption, and packaging of food is done in disposable containers, or is not a “full service restaurant.” A take out restaurant may provide “accessory” delivery service, and related retail sales items, but no drive through facility will be allowed.

TRUCKING TERMINAL: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. The terminal facility may include storage areas for trucks and building or areas for the repair of trucks associated with the terminal.

WATER-DEPENDENT USES, COMMERCIAL/ RECREATIONAL: Activities which require a location in, on, over, or adjacent to the water because the activities require access to water and the use of water is an integral part of the activity; excepting unloading and aggregate transshipping facilities. Allowed water-related uses include public and private marinas, commercial and recreational fishing facilities, boat repair, storage, and hauling facilities, tour boat and charter boat facilities, waterborne commerce, ferries, and marine educational and laboratory facilities.

WATER DEPENDENT USE, INDUSTRIAL: Activities which require a location in, on, over, or adjacent to the water because the activities require access to water and the use of water is an integral part of the activity; unloading and aggregate transshipping facilities such as transferring freight between two modes of transport: from a truck to a railroad car or barge.

WAREHOUSING: A use engaged in storage distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

(C) Allowed Uses

1. Pre-existing Non-Conforming Uses (PNCU) status: All parcels affected by this zoning change will be afforded Pre-existing Non-Conforming Use (PNCU) status. The PNCU shall be allowed to continue and all business operations approved for that parcel by the Director of Code Enforcement under the direction of Corporation Council, currently in operation, are allowed to continue those business operations. The PNCU status and the business operations thereon may continue so long as the business operations are uninterrupted and continuous. In the event any business and parcel enjoying a PNCU status ceases operation for seven hundred twenty (720) consecutive days, that business and parcel loses the PNCU status.
2. Permitted uses and uses requiring a Special Use permit in Waterfront Districts are illustrated in the Primary Use Schedule 4.202 (C) 4, except as otherwise described in 4.202 (B) 2. Any use that is not permitted as of right or with a special use permit is a prohibited use.
3. The following uses, when permitted in the Northern Waterfront District (WMD) pursuant to the Primary Use Schedule 4.202 (C) 4, are only permitted as part of a multi-use development on a lot(s) when the use occupies no more than 50% of the gross square footage of the total building structure for uses (1-5), and when the use occupies no more than 30% of the gross square footage of the total development site for use (6) (Multi-family dwellings). The remaining square footage shall be occupied by one or more of the other permitted uses pursuant to this section.
 - (1) Branch banks
 - (2) Child care facilities
 - (3) Cultural facilities
 - (4) Restaurants, take-out
 - (5) Neighborhood retail
 - (6) Multi-family dwellings

4. Permitted Accessory Uses and Structure

- a. Living or residential quarters as an accessory use including, but not limited to, security guards' quarters where such quarters are customarily provided for security and/or insurability of the premises and other residential uses directly related to the operation of the primary permitted use.
- b. Offices for executive, administrative, and professional uses directly related to the operation of the primary permitted use
- c. Off-street parking or loading areas
- d. On-site hazardous waste treatment and storage facilities
- e. Storage sheds and tool sheds.

5.

PRIMARY USE	WMD	WCD	WTD
Bottle Recycling Center	NP	NP	P
Branch Banks	P	P	NP
Business Office	P	P	P
Child Day Care Center	P	NP	NP
Cultural Facilities	P	P	NP
Dry Cleaning, retail only	P	NP	NP
Financial Institutions excluding Branch Banks	P	P	NP
Hotels/Inns	P	NP	NP
Light Industry	NP	P	P
Manufacturing	NP	NP	P
Multi-Family Dwellings	P	NP	NP
Neighborhood Retail	P	P	P
Open Space/ Greenways	P	P	P
Parking Lots or structures as separate, primary uses	NP	NP	P
Passenger Transportation Terminals, taxi stands, ferries	P	P	P
Personal Care Services	P	P	NP
Printing and Publishing	NP	P	P
Professional office	P	P	P
Recreational Facilities, public	P	P	P
Repair, Storage and sales of heavy equipment	NP	NP	P
Research and development facilities	P	P	NP
Restaurants, full-service	P	P	P
Restaurants, Take out	P	P	NP
Storage, indoor	NP	NP	P
Storage, Outdoor	NP	NP	P
Tavern and Bar	P	NP	NP
Train Stations and Bus Stations	NP	P	P
Transshipping facilities, unloading and aggregate	NP	NP	P
Trucking Terminal	NP	P	P
Warehousing	NP	NP	P
Water Dependent Uses, Commercial/Recreational	P	P	P
Water Dependent Uses, Industrial	NP	NP	P
Wholesaling, distribution, and commodities	NP	P	P

P=Permitted NP= Not Permitted			
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Lot Characteristics								
Zone	Setbacks							
	Max Building Height	Minimum Lot Area	Front Min	Front Max	Rear Min	Side Min	Max Lot	Max Density
WMD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None
WCD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None
WTD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None

(D)Lot Characteristics

2. Height Minimum: The minimum height for a principal building is the height of the immediately adjacent principal buildings or principal buildings within 20 feet of the side lot line. If the immediately adjacent buildings are of different heights, then the minimum height is the lesser height of the adjacent buildings. If there are no adjacent buildings within 20 feet of the lot line, the height minimum shall be in keeping with the height of the majority of the buildings on the street block.

3. Height Maximum: Maximum will be according to the lot characteristics section in 4.202 D 1 except when any building or part thereof is within 125 feet of the point of shoreline stabilization of the Hudson River or within 50ft of an existing street, the height shall not exceed 35ft.

(E) Landscaping and Buffering

a. Purpose

The landscaping regulations are intended to establish minimum requirements and standards for landscaping commercial and industrial sites in order to maintain and protect property values, enhance the general appearance of the City and provide the residents of the City with a sense of place. In general, these provisions ensure landscaping criteria that will curtail soil erosion, absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

b. General Requirements

A landscaping plan shall be prepared describing how the requirements of this chapter will be met for any proposed commercial or industrial development with a new building or building expansion that amounts to or exceeds either 4,000 square feet or 25% of the assessed valuation of the existing building.

c. Perimeter Landscaping

Minimum Planting Requirements:

1. To provide proper planting area, the minimum dimension of any required planting area must be no less than 8 feet in width.
2. At the time of planting, deciduous trees must be at least 2 inches in diameter measured 6 inches above the base, and coniferous trees must be at least 6 feet in height.
3. Trees shall be any combination of deciduous and evergreen. One tree shall be provided for each 25 linear feet of landscaped area.
4. Shrubs must be at least 18 inches in height at time of planting. Shrubs and ground cover should be planted so that they attain coverage of at least 75% of the planting area within 4 years.
5. Any buffering tree or shrub that has died during transplant or subsequently afterwards must be replaced.

d. Outdoor Storage Buffers

A storage yard in connection with a permitted commercial or industrial use shall require visual screening from adjacent properties and public rights-of-way. Visual screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make actual screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the Zoning Board of Appeals after public hearing and review as required by the variance process.

e. Fences

Fences may be erected to a maximum height of 10 feet. No barbed wire shall be permitted. All fences or walls hereafter erected that are more than 8 feet in height shall be reviewed by the Planning Commission and shall be subject to all terms and conditions as required by the Planning Commission.

Appearance. Fences shall be constructed of materials that are new or in good used condition and shall be maintained in a structurally sound and safe condition, in a plumb upright position, and free from excessive rust, peeling or faded coatings and damaged or deteriorated components. Material of assemblies clearly not intended for use as fencing shall not be utilized.

Traditional fencing materials such as painted picket fences, ornamental wrought iron-type fences, low hedges, or limestone retaining walls are permitted. Chain link fences and high opaque fences are prohibited in front yards and side yards visible from public right of way. Tall foundation plantings that obscure the waterfront are prohibited. Industrial uses will be exempt from the requirements set forth in the three preceding sentences.

(F)

Parking: The following parking requirements shall apply only to 4.202

Waterfront Districts.

Assembly and packaging facilities	1.75 space for each 2 employees on the largest shift, with a minimum of 2 spaces
Branch Banks, Savings and loans, credit unions	4 spaces per 1,000 square feet
Child day care Center	1 space for each staff member plus 1 space per 10 children
Commercial or academic research and development facility	2.7 spaces per 1,000 sq ft
Construction industry facility	1 space per employee
Financial Institutions not otherwise included in this schedule	3 spaces per 1,000 sq ft gross floor area
Hotel	1 space for each room and 1 space per managers unit
Manufacturing use	1.75 space for each 2 employees on the largest shift with a minimum of 2 spaces
Mini-storage facility	1 space for every 100 storage units and 2 spaces for permanent on-site managers with a minimum of 3 spaces for all facilities, regardless of size.
Mixed Use	Shared of combined parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc.
Neighborhood Retail	50% requirement for retail uses in this Schedule
Offices, general	3 spaces per 1,000 square feet gross floor area
Printing and Publishing	1.75 space for each 2 employees
Restaurant, excluding Take-out only	12 spaces per 1,000 sq ft
Restaurant, Take-out only	1 space per 15 sq ft
Retail use including shopping centers	3.25 spaces per 1,000 sq ft
Service Businesses (eg salons, barbershops, dry cleaners, Laundromat	3.5 spaces per 1,000 sq ft
Taverns, bars	12 spaces per 1,000 sq ft
Trucking and transshipment facilities	1 space per 1,000 sq ft
Warehouse	1 space per 1,000 sq ft
Wholesale and Distribution	1 spaces per 3,000 sq ft

WATERFRONT OVERLAY DISTRICT

4.304 Waterfront Overlay District

(A) Philosophy

The purpose of the Overlay district is to allow additional protections to all waterfront districts when an alteration to existing conditions occurs.

The Waterfront Overlay District provisions have the following purposes:

- a) To preserve natural, recreational, scenic and historic values along the City of Troy's Hudson River waterfront, Poestenkill Creek and Wynantskill Creek.
- b) To preserve, provide, and enhance recreation areas and other green space.
- c) To provide a continuous bicycle/ pedestrian trail along the Hudson River.
- d) To protect the public health and safety.
- e) To regulate uses and structures along the waterfront to avoid increased erosion and sedimentation.
- f) To recognize areas of significant environmental sensitivity that should not be intensely developed.
- g) To allow reasonable uses of land on the waterfront while directing more intensive and non-water related development to the most appropriate areas of the community and region.

(B) Definitions

The following definitions shall apply only to 4.304 of this Chapter.

ENCROACH: To permanently occupy space within the physical boundaries of (such as a wetland).

FLOODPLAIN: As defined in Article 36 of the Environmental Conservation Law or flood hazard areas as determined by the National Flood Insurance Agency.

FLOOD-RELATED: Any condition, which can be attributed to the damage or occurrence of a flood or accidental inundation of water.

IMPERVIOUS SURFACE: Any non-porous area covered by a substance that does not, by its physical qualities, permit inundation by water including, but not limited to, asphalt, slate, brick, aluminum, and concrete.

NON POINT POLLUTION: Water-borne substances that can have adverse impacts on fish, wildlife, habitats, and water quality, that enter the groundwater via a diffuse number of points, possibly from the same source, as opposed to one particular point of entrance.

PHYSICAL OBSTACLE: Any structure or piece of structure that prevents visual or physical contact.

PIER: A structure that encroaches on a body of water specifically for the purpose of providing the general public with access for recreational fishing.

RIGHT OF WAY: A right belonging to a party to pass over land of another. It is only an easement, and grantee acquires only right to a reasonable and usual enjoyment thereof with owner of soil retaining rights and benefits of ownership.

SHORELINE: The point at which land and water meet as determined by the mean high-water mark of a body of water.

STORM WATER MANAGEMENT: The intentional containment, chemical treatment, or alteration of flow of water that results from precipitation specifically for the purpose of preventing flooding, erosion, or nonpoint pollution.

SUBSTANTIAL REHABILITATION: The investment of more than 50% of a structure's assessed value in repairs or improvements other than physical expansion.

WATER-DEPENDENT USES: Activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, tour boat and charter boat facilities, unloading and aggregate trans-shipping facilities, waterborne commerce, ferries, marine educational or laboratory facilities, and water-related public and quasi-public utilities.

WATER-ENHANCED USES: Activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to the public enjoyment and use of the water's edge, if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial or retail nature.

(C.) Waterfront Overlay District Boundaries

1. The Waterfront Overlay District boundary is defined on the official Zoning Map of the City of Troy.

(D.) Regulated Uses

1. All actions that involve construction of a new structure, addition of more than 500 square feet of gross floor area to an existing structure, a change in use, alteration or construction of a sign, or substantial rehabilitation or facade alteration of an existing structure will be subject to 4.304.
2. Development otherwise permitted in the underlying zone will be further regulated in accordance with the provisions of this Article.
 - a) Docks and piers. Access to the water from lots in any proposed subdivision shall be from a single common dock unless a single dock is considered infeasible, as determined by the Planning Commission.
 - b) Water-dependent uses. Any applicant proposing development adjacent to a water-dependent use will be required to notify the owner of the water-dependent use and submit his/her comments with the site plan, if comments were received. New development that permanently interferes with existing use of the water or will permanently inhibit the continued operation of a water-dependent use is prohibited.
 - c) Water-enhanced uses. Any proposed water-enhanced use that will have a significant negative environmental or economic impact on existing water-dependent uses (more than one) will not be permitted.

- d) Marinas. All site plans for new marinas or expansion of existing ones, must include a storm water management plan signed and prepared by a NYS licensed engineer, and must include a pump out.

(E.) Development Standards

The following development standards will apply only to parcels partially or wholly within the Waterfront Overlay district and only to actions that involve construction of a new structure, addition of more than 500 square feet of gross floor area to an existing structure, a change in use, or substantial rehabilitation or facade alteration of an existing use.

1. Hazards to water quality. No structure or building shall be used in such a way as to significantly threaten or cause significant pollution to the water quality of the Hudson River, Poestenkill Creek and Wynantskill Creek.
2. Relation to Water. Any use encroaching on water or that will exist permanently above water that is not water-dependent will not be permitted.
3. Visual and physical access. Any new development that creates a visual or physical obstacle to public access, on land that was previously accessible to the public, will not be permitted or must mitigate the impact to ensure that physical and visual access is provided in another form.
4. Building height. The height of proposed buildings will conform to those requirements set forth in the Schedule 3.406 of this chapter.
5. Riverfront setback. Setbacks shall meet the setbacks standards in Schedule 3.406 for the underlying base use district except for properties adjacent to the Hudson River, which shall have a setback of 50 feet from the top of the Hudson Riverbank as defined by the Planning Commission on a site-by-site basis.
6. Building orientation. Primary structures shall be oriented toward the Hudson River as well as the street by providing windows, doorways and other architectural features on the riverfront side of buildings.
7. New construction shall be related harmoniously to any immediately adjacent building with respect to architectural design and material.
8. Transportation. All new development must be situated on a parcel and connected to infrastructure so as to ensure that it will be accessible by different forms of transportation. This includes pedestrian, bicycle, passenger vehicle, and public transportation such as bus or van. Sidewalks will be installed by property-owners for all new development in the waterfront area. Such sidewalks will connect to existing sidewalks, provided they are present on adjacent lots.
9. Natural Features. Destruction of natural features that serve to protect from floods or erosion will not be permitted. Such features could include the riverbank,

vegetation, and natural slopes. Any party responsible for the illegal or unauthorized destruction of such features will be compelled to replace them or compensate the City for their replacement.

10. Pedestrian Trails. A continuous publicly accessible municipally owned pedestrian trailway shall be created along the Hudson River waterfront in the Waterfront Overlay district. An applicant for site plan approval of a lot or parcel which contains land along the Hudson River Waterfront shall be required to reserve a continuous right of way having a minimum width of fifty (50) feet measured laterally from the point of shoreline stabilization of the Hudson River in which a minimum twelve (12) foot wide paved public trailway shall be developed on that lot or parcel in accordance with city plans.
11. Preservation of historic structures. Every effort shall be made to protect, enhance and adaptively reuse historic structures within the waterfront overlay district. Any new construction adjacent to a nationally or locally registered historic district shall be subject to Historic District Advisory Review and Historic Commission approval.



HOOSICK STREET REZONING & OVERLAY DISTRICT

1/18/05

Harry Tutunjian, Mayor
Marjorie DerGurahian, City Council President



Table of Contents

4.202 Hoosick Street Zoning Districts

- (A) Philosophy
 - i. Hoosick Street Waterfront District
 - ii. Hoosick Street Commerce District
 - iii. Hoosick Street Professional District
- (B) Definitions
- (C) Allowed Uses and Schedule
- (D) Lot Characteristics and Schedule
- (E) Signs
- (F) Parking

4.305 Hoosick Street Overlay District

- (A) Philosophy
- (B) Regulated Uses
- (C) Development Standards

Hoosick Street Amended Map - Attached

4.202 Hoosick Street Zoning Districts

(A) Philosophy:

- i. **Hoosick Street Waterfront District – (HWD)** The purpose of this district is to encourage the redevelopment of the North Central waterfront as a mixture of uses that will contribute to the City's tax base, create jobs and integrate with the natural environment of the Hudson River, the downtown, the adjacent residential neighborhood and city bicycle/ pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where mixed uses including recreation, public green space, professional offices, multi-family residential, research and development space, light industry and retail and service-related commercial activity will be permitted.
- ii. **Hoosick Street Commerce District – (HCD)** This district is designed to promote mixed-use development of commercial, office, entertainment, restaurant and residential uses that will contribute to the City's tax base. This district fosters high-density mixed-use buildings on Hoosick Street while discouraging a commercial strip appearance and requires substantial buffering and screening between busy streets and residential neighborhoods. Development is intended to be aesthetically pleasing for motorists, transit users and pedestrians with a strong emphasis on a safe and attractive streetscape.
- iii. **Hoosick Street Professional District – (HPD)** This district is designed to allow for conversion of residential properties into professional uses while maintaining the residential architectural integrity of the area and encouraging future land uses that will contribute to the City's tax base.

(B) Definitions:

As used in this section, the following terms apply only to the Hoosick Street Districts. For all other terms see Article II Definitions and 4.202 Waterfront District Definitions.

ART GALLERY: A structure or building utilized for the display of art work, including paintings, sculptures and paints for sale to the public.

ARTIST STUDIO: A workshop or workroom for the creation of fine arts and crafts such as painting, sculpturing, photography, or other handmade pieces or art. The space may

include a residential unit and it may also include a teaching area of small groups of ten or less.

AUTO REPAIR SERVICES: A building or premises used for the purpose of repair, maintenance, and servicing of motor vehicles, including auto bodywork, painting, and major repairs.

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities for use by the public.

DISABILITY GLARE: The eye's Line-of-Sight contact with a direct light source, which causes a partial blindness

ENTERTAINMENT FACILITY: Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, the following: arenas, theaters, bowling alleys, dance halls or clubs, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include sexually oriented businesses, taverns, pubs golf courses, or parks.

FOOT CANDLE: A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

FULL CUT OFF TYPE FIXTURE: A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above 90 degree, horizontal plane from the base of the fixture.

HORIZONTAL ARCHITECTURAL BREAK: An architectural design that provides exterior reliefs to the façade of a building.

HORIZONTAL LUMINANCE: The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.

LIGHT TRESPASS: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

LOT COVERAGE: The percentage of lot area that is occupied by building footprints.

MIXED USE: A development containing more than one use in a building or on a parcel.

MEDICAL OFFICE: A place where one or more doctors or dentists furnish medical or dental care to a person on an outpatient basis. A place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A facility for human ailments operated by a group of physicians, dentists,

chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

NIGHTCLUB: An establishment primarily engaged in the sale and service of beverages for on premises consumption and the providing of musical entertainment, singing, dancing, or other forms of amusement and entertainment, with the sale or service of food being incidental and accessory thereto. Such establishment may also have one or more of the following characteristics: age restrictions, cover charges, charges for admission, disc jockeys, jukeboxes, amplified sound systems, live entertainment and the like; the hours of operation extend beyond the normal dinner hours. The term nightclub: includes the term “cabaret” and “disco”.

NURSING HOME: A proprietary facility, licensed or regulated by the State of New York, for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services.

PARKING AREA-An off-street area containing three (3) or more parking spaces, with passageways and driveways appurtenant to such spaces and giving access thereto.

PARKING LOT: An open space other than a street or alley used exclusively for the parking of automobiles.

PARKING STRUCTURE: A structure or building used to park cars. Includes parking garages, parking decks, and underground parking.

PRINTING AND PUBLISHING: Commercial lithographic printing, gravure printing, lexographic, screen printing, quick printing, manifold business for printing, book printing, and the binding of printed materials to create books, magazines, pamphlets and other printed materials.

PROFESSIONAL OFFICE: The use of an office and related space for such professional services that are provided by accountants, attorneys, architects, engineers and similar professions. A professional office excludes uses permitted in a “business office” and “medical offices/clinics”.

RETAIL: Establishments engaged in selling goods, services or merchandise to the general public for personal and household consumption and rendering services incidental to the sale of such goods.

STRUCTURE: Anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on the ground. "Structure" includes a building. See also "building."

STUDIO: A separate structure accessory to a residence containing facilities for light and heat but not toilet or kitchen facilities, to be used for purpose accessory to the main residential use; not to be used for commercial purposes.

TRANSPORTATION TERMINAL: A building and its land that serves as a site for passengers to transfer from one means of transportation to another, not including repair activities for motor vehicles.

SCHOOL, NON PUBLIC: A private school furnishing comprehensive curriculum of academic instruction similar to that of a public school on the kindergarten, primary and/or secondary level.

UPLIGHTING: Any light source that distributes illumination above a 90-degree horizontal plane.

USE: The specific purpose for which land or a building is designed, arranged or intended or for which it may be occupied or maintained. The term authorized use or its equivalent shall not be deemed to include any non-conforming use.

VEHICLE SALES: A premises, including open areas, other than a street or right-of-way, and including show rooms enclosed within a building used for the display, rental or sale of automobiles, boats, mopeds, motorcycles, snowmobiles, trucks and recreational vehicles.

(C PRIMARY USE SCHEDULE A	HWD	HCD	HPD
Appliance and small equipment repair/sales	P	P	NP
Art gallery	P	P	P
Artist studios above first floor	P	P	P
Assembly and packaging of products	P	NP	NP
Automotive repair services with auto body repair	P	NP	NP
Bed and breakfast	P	P	P
Branch Banks	P	P	NP
Broadcasting facilities	P	P	NP
Business Office	P	P	NP
Business office with a max of 10 employees	P	P	P
Child Care Facility	P	P	NP
Churches and religious institutions	P	P	NP
Commercial recreational facilities	P	P	NP
Community center	P	P	NP
Community garden	P	NP	NP
Cultural Facilities	P	P	NP
Entertainment facilities	P	P	NP
Financial Institutions excluding Branch Banks	P	P	NP
Funeral homes	P	NP	P
Gasoline Filling Station	NP	P	NP
Government agency structures or use	P	P	NP
Home occupations	P	P	P
Hotels/Inns	P	P	NP
Libraries	P	P	NP
Light Industry	P	NP	NP
Medical office	P	P	NP
Membership clubs	P	P	NP
Nightclub	P	P	NP
Nursing homes	P	NP	NP
Open Space/ Greenways	P	P	P
Parking lots as primary use	NP	NP	NP
Parking structures as primary use	P	P	NP
Personal Care Services	P	P	NP
Printing and Publishing	P	P	NP
Professional office	P	P	NP
Professional office with no more than 10 individuals	P	P	P
Research and development facilities	P	P	NP
Residential, Multi-family	P	P*	NP
Residential, Single family	NP	NP	P
Residential Two family	P	P*	P
Restaurants, full-service	P	P	NP
Restaurants, Take out	P	P	NP
Retail	P	P	NP
School, Non-public	P	NP	NP
Transportation Terminals, taxi stands, ferries	P	NP	NP
Tavern and Bar	P	P	NP
Vehicle sales	P	NP	NP
Water Dependent Uses, Commercial/Recreational	P	NP	NP
Warehousing	P	NP	NP
P=Permitted NP= Not Permitted			
*Above first floor			

(D) Lot Characteristics

1. All lot lines abutting a right of way are considered front lot lines.
2. Corner lots have no side lot lines, only front and back lot lines.
3. Parking structures are not required to meet setback guidelines.
4. Building height on a lot with an elevation change shall be calculated from the average elevation of the finished grade at the perimeter of the building to the highest point of the building.
5. SCHEDULE B

Lot Characteristics SCHEDULE B								
Zone	<u>Setbacks</u>							
	Max Building Height	Minimum Lot Area	Front Min	Front Max	Rear Min	Side Min	Max Lot Coverage	Min Lot Coverage
HWD	70 ft	None	None	20 ft	20 ft	None	80%	None
HCD	70 ft	10,000 sq ft	None	10 ft	45 ft	None	80%	50%
HPD	35 ft	4200 sq ft	20ft	None	20 ft	10 ft Ea.	80%	None

(E) Signs:

All signs will be subject to Article VII of this ordinance. The following sections shall apply for the Hoosick Street Zone Districts.

Hoosick Street Waterfront District: 7.360 B5 and IND zones

Hoosick Street Commerce District: 7.350 B4 Zone

Hoosick Street Professional District: 7.320 R3 Zone

(F) Parking: Schedule C. All uses shall conform to the requirements of this schedule for number of off street parking spaces. Uses shall refer to Article VI for all other off street parking and loading provisions except as noted in the Hoosick Street Overlay District.

SCHEDULE C	OFF STREET PARKING
USES	MAXIMUM REQUIREMENTS
Assembly and packaging facilities	1.25 space for each 2 employees on the largest shift, with a minimum of 2 spaces
Branch Banks, Savings and loans, credit unions	1 space per 1,000 square feet
Child day care Center	1 space for each staff member plus 1 space per 10 children
Commercial or academic research and development facility	1 space per 1,000 sq ft
Construction industry facility	1 space per employee
Financial Institutions not otherwise included in this schedule	1 space per 1,000 sq ft gross floor area
Hotel	1 space for each room and 1 space per managers unit
Manufacturing use	1.25 spaces for each 2 employees on the largest shift with a minimum of 2 spaces
Mixed Use	Total of each individual use.
Neighborhood Retail	1 spaces per 1,000 square feet
Offices	2 spaces per 1,000 square feet gross floor area
Printing and Publishing	1 space for each 2 employees
Restaurant, excluding Take-out only	6 spaces per 1,000 sq ft
Restaurant, Take-out only	1 space per 50 sq ft
Retail use including shopping centers	2 spaces per 1,000 sq ft
Service Businesses (eg salons, barbershops, dry cleaners, Laundromat	1.5 spaces per 1,000 sq ft
Taverns, bars	6 spaces per 1,000 sq ft
Trucking and transshipment facilities	1 space per employee
Warehouse	1 space per employee + 1 space per 4,000sq ft
Wholesale and Distribution	1 space per employee + 3 visitor spaces

Hoosick Street Overlay Zone District

4.305 Hoosick Street Overlay District

(A) Philosophy

The purpose of the Hoosick Street Overlay District is to recognize Hoosick Street for its function locally as an urban street and regionally as a critical transportation route for parts of eastern Rensselaer County. The Overlay District is intended to encourage

economic development and physically enhance the corridor to promote pedestrian safety, improve local traffic access and circulation, minimize impacts of arterial traffic, preserve the character of residential neighborhoods and mitigate land use conflicts.

Purpose:

The purposes of the Hoosick Street Zoning Districts are:

- (a) To encourage diversity in the community tax base through appropriate flexibility in land use and land use development.
- (b) To optimize financial return on public infrastructure investments and expenditures, including water& sewer, intersection improvements,
- (c) To minimize adverse traffic impacts on Hoosick Street & on surrounding local Streets and roadways
- (d) To enhance the aesthetic gateway appearance and to minimize adverse environmental impacts such water, air, light, noise pollution, and traffic congestion.
- (e) To encourage a pedestrian environment.
- (f) To preserve and buffer residential neighborhoods surrounding the corridor.

(B.) Regulated Uses

- 1. All actions that involve construction of a new structure, addition of more than 500 square feet of gross floor area to an existing structure, a change in use, alteration or construction of a sign, substantial rehabilitation, or substantial facade alteration of an existing structure will be subject to 4.305 Hoosick Street Overlay District and will be reviewed under the authority of the City Planning Board as part of site plan review. Waivers of allowed uses and of the rule and regulations of the overlay zone district will be at the discretion of the Planning Board. The Hoosick Street Overlay Zone District consists of the Hoosick Waterfront District, Hoosick Commerce District, and Hoosick Professional District.
- 2. Development otherwise permitted in the underlying zone will be further regulated in accordance with the provisions of this Article.

(C.) Development Standards

The following development standards will apply only to parcels partially or wholly within the Hoosick Street Overlay district.

1. Site Design:

- b. Buildings shall be required to be set back to meet the requirements of sidewalk width, but shall not exceed the setback standards in Section 4.305 C, 7 of this chapter.

- c. Sidewalk width requirements are found in Schedule C. Sidewalk width requirements shall be achieved through a combination of city right of way property and private property if necessary.
- d. For all new construction, the area between the front lot line and front building line shall be used for site amenities including sidewalks, patio, landscaping, display space, and/ or public space.
- e. Retaining walls on property boundaries that would inhibit future driveway access between sites shall not be permitted.
- f. For all new construction, front lot lines will be measured taking into account future DOT realignment of Hoosick Street. A 20' setback on the north side of Hoosick Street between 10th & Burdett Avenue shall be established as the build to line or as later established through right-of-way survey by the City Engineering Department.
- g. Existing site topography shall be maintained for new construction and incorporated into final building design as noted in 4.305 C, 2j.
- h. Parking decks shall be utilized for lots with elevation changes, rather than retaining walls.
- i. New construction for properties fronting the north side of Hoosick Street between 15th & 21st Street shall be designed to provide shared rear alleyway access.

2. Building Design:

- a. Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Troy. Fig A
- b. The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.
- c. Except in the Professional District, construction of buildings on corner lots shall be required to have building facades front both Right of Ways with a central entrance design feature at the corner location. Fig B.
- d. In the Professional District, building construction shall be residential in size and design. Design shall include pitched roof and architectural features as found in existing residential buildings in the district.
- e. Permitted uses in Schedule A requiring new construction shall have buildings of a minimum of two occupied stories in height.
- f. A single primary use in the HCD not proposing to occupy upper stories for other than storage shall be part of a mixed use development of a least two or more uses permitted in schedule A.
- g. Mixed development projects with 3 or less uses shall be located in a single building. Mixed-use development projects of 4 or more uses are permitted to have more than one building on a lot.

- h. On lots with more than one building, buildings shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways.
- i. Buildings shall have vertical breaks in the façade to facilitate appearance of smaller buildings proportionate to adjacent residential uses with a single section being, at maximum, no more than 25 feet in length or as otherwise approved.
- j. Buildings shall have stepped breaks in floor elevation corresponding to the topography of Hoosick Street. Breaks should be proportionate to topographical elevation gain/loss along front lot line.

3. Off Street Parking:

- a. See Parking **SCHEDULE C**. All uses shall conform to the requirements of this schedule for number of off street parking spaces. Uses shall refer to Section 6.100 for all other off street parking and loading provisions except as noted below.
- b. Reduction or expansion in parking space requirements may be permitted where by design and use it is shown to the board's satisfaction that the parking is compatibly shared by multiple uses. However, in no case shall a parking requirement reduction or expansion exceed twenty (20) percent of those parking spaces required under normal application of requirements for the non-residential uses.
- c. Parking structures or alternate parking plans shall be incorporated into the design of any development project that exceeds the off street parking requirements or parking structures may be used collectively by adjacent land use owners in order to meet their off street parking requirements.
- d. Parking structure construction shall be located strategically on the property to allow for future collaborative use.
- e. All off street parking shall be located to the rear of buildings. All parking and loading areas shall be completely screened from adjacent residential uses by a landscaped and ornamentally fenced buffer area.
- f. Parking decks shall be used for parcels with grade elevation changes that shall connect to adjacent parking facilities to allow for shared parking access.
- g. All parking lots in the rear of a parcel shall be connected to adjacent parcels at the side lot line to allow vehicular access between lots.
- h. Developers are encouraged to build parking decks or structures under buildings, on the down slope side, and bi-level parking. Fig C

4. Site Access & Driveways:

- a. All driveways for non-corner Hoosick Street lots shall be located at the side lot line and shall become shared as development of the adjoining lot proceeds. Existing driveway access entrance ways located on Hoosick Street shall be relocated to the side lot line for future shared driveway access Properties with more than one existing access driveway shall be allowed only one access point on Hoosick Street.
- b. All driveways for corner lots shall be from the minor street and shall be located abutting the rear setback requirement.

- c. Maximum Curb cut shall be 30ft.
- d. Connections between lots required in rear.
- e. Access to Hoosick Street from a Planned Mixed-Use Development shall be through a secondary street and at a signalized intersection.

5. Lighting:

1. All storefronts, entryways, walking paths, and parking areas shall be adequately lit to at least .5 footcandles.
2. All parking and security lighting shall be on a pedestrian scale with a 16-foot maximum light height for site illumination. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e luminaire).
3. All parking area and security lighting will be full cut-off type fixtures. Full cut-off fixtures must be installed in a horizontal position as designed.
4. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass, and glare across, the property lines and or disability glare at any location on or off the property.
5. Plighting is allowed only for highlighting important architectural features of a façade. Such up lighting shall be limited to 5pm to 12am. Externally lit signs, display, building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of 0.2 foot-candles. The lighting must also be, as much as physically possible, contained to the target area.
6. Internally lit signs are acceptable provided that they meet the requirements of the sign ordinance.
7. Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.
8. When an outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
9. Expansion, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrast in color and or lighting levels.
10. Where practicable, electrical service to outdoor lighting fixtures shall be underground.
11. Proposed lighting installations that are not covered in this section may be approved if the Planning Board finds that they are designed to minimize glare, do not direct light beyond the boundaries in excess of 0.2 foot-candles of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.
12. Holiday lighting during the months of November, December and January, and street tree lighting all year round, shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

6. Landscaping & Screening:

- a. Commercial properties abutting a residential use shall have screening and buffering of at least 8 feet in depth. Screening shall include a 5ft high-grassed berm, a solid wood or vinyl ornamental fence, and evergreen and deciduous trees,

with no less than 50% being evergreen, a minimum of 6 feet in height, and planted at intervals no greater than 15 feet on center. Fencing shall be located at the top of the berm. Fig D

- b. Parking areas shall be landscaped as per article VI of this zoning ordinance where not otherwise stated in this chapter, and shall include trees and bushes.

7. Sidewalks & Sidewalk Design on Hoosick Street:

- a. Hoosick Waterfront and Hoosick Commerce District
 - i. Sidewalk width shall be 12 ft measured from the curb line. Fig E
 - ii. Sidewalks shall be handicap accessible and shall have pedestrian friendly curb cuts.
 - iii. Within the Hoosick Commerce District, decorative bollards and chains shall be installed the length of the sidewalk not used by curb cuts 2 ft in from curb. Decorative bollard options for public areas must match the quality and appearance of either Spring City's 37" Reston bollard or Trystan Site Furnishings' 43 1/4" Victorian bollard. The former option is a heavy, cast aluminum alloy product, while the latter is constructed on cast iron. Both must have a black finish. Where chains are utilized between bollards, recommended spacing may be up to 10' on center. All bollards must be anchored and installed per bollard manufacturers' specifications. Planters, benches, and other sidewalk furniture may be used in combination with bollards and chains to separate pedestrians from traffic. See Fig F.
- b. Hoosick Professional District and east of Professional District.
 - i. Sidewalk width shall be 7 ft measured from the curb line including 2 ft grass strip.
 - ii. Sidewalks shall be handicap accessible and shall have pedestrian friendly curb cuts.

8. Streetscape:

- a. Street trees are required. Spacing, number, and species of tree shall be at the discretion of Planning Board. All newly planted trees shall be at least 2 inches caliper size and shall be a combination of flowering and indigenous trees. Trees must *not* be planted within 5' of access drives, within 25' of preserved existing trees, within bus stop zones, below fire escape balconies, where blockage to building entrances presents safety concerns, or within 5' of hydrants, manhole covers, or permanent streetscape furnishings. When planting trees, visibility of traffic signals and way-finding signage (both vehicular and pedestrian forms) must always be maintained.
- b. Proposed site furnishings including benches, litter receptacles, bollards, bike racks, bus shelters, parking meters, fences and sign poles (excluding vehicular way-finding signs) are to be black, powder coated metal.

9. Garbage Removal Design:

All exterior garbage dumpsters shall be located in the rear of buildings, shall be on a concrete pad with a solid fence enclosure, and shall contain perimeter landscaping. All

commercial uses shall provide private trash pickup. Trash removal schedule shall be approved by the Planning Board.

10. Public Transportation:

Accommodations shall be made for bus shelters at preferred locations including concrete pads, utilities and utility installation.

11. Signs:

No freestanding signs are allowed in the Overlay District unless part of mixed use development signage for 3 or more businesses.

12. Gasoline Filling Stations:

- a. All new gasoline filling stations shall be located no less than 1000 ft from an existing gasoline filling station.
- b. Gasoline filling stations shall be allowed related retail sales incidental to selling gasoline including food and sundries. No auto dependent uses not incidental to a gasoline filling station, including auto service, auto sales, auto body, and car wash facilities, shall be allowed on the same site.
- c. Gasoline filling stations shall be allowed two driveway accesses. Driveways shall be located at the central side lot line and shall become shared as development of the adjoining lot proceeds.
- d. Architectural design of building and canopy shall be compatible with each other and architecturally appropriate to the corridor.
- e. Gasoline Filling Stations shall include substantial landscaping along front lot line with a minimum of 10 ft in depth.

Fig A



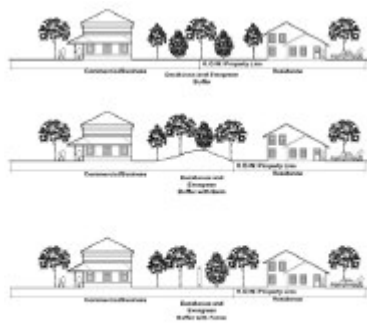
Fig B



Fig C



Fig D



• 44 •

Fig E

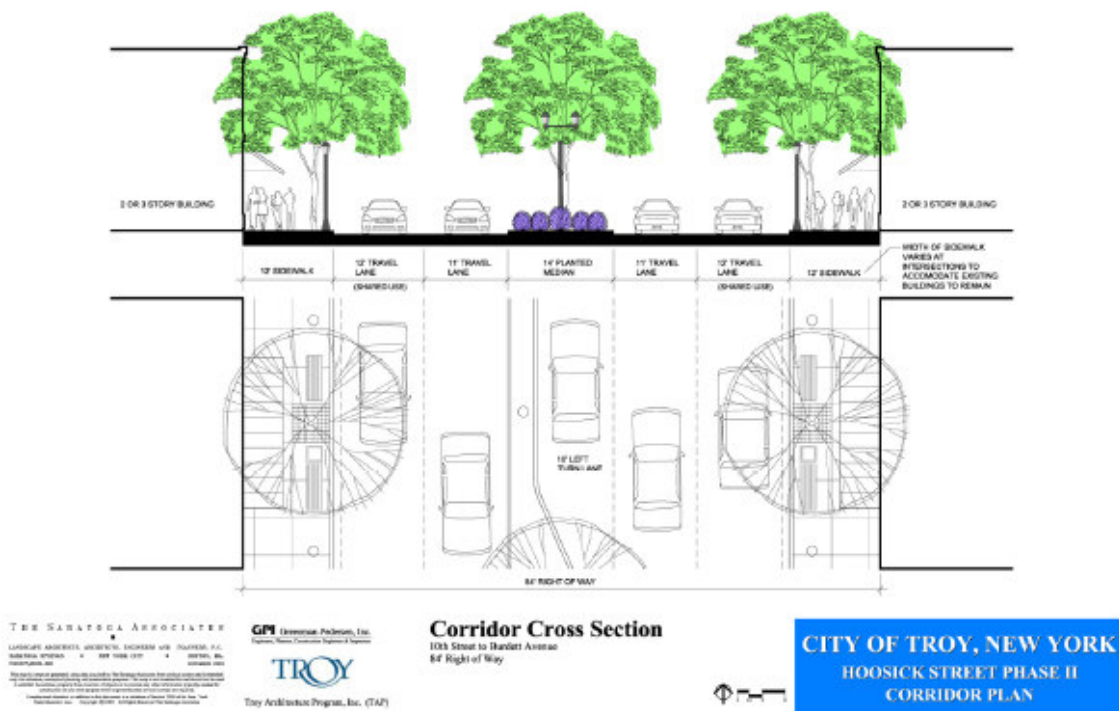
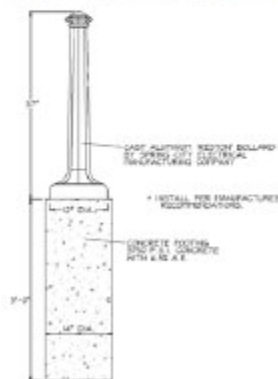


Fig F



reston bollard option